



Public Document Pack

North Devon Council
Brynsworthy Environment Centre
Barnstaple
North Devon EX31 3NP

K. Miles
Chief Executive.

LICENSING AND COMMUNITY SAFETY COMMITTEE

A meeting of the Licensing and Community Safety Committee will be held in the Barum Room - Brynsworthy on **TUESDAY, 13TH JUNE, 2023 at 10.00 am.**

(NOTE: A location plan for the Brynsworthy Environment Centre is attached to the agenda front pages. For meetings held at Brynsworthy only, you can join the meeting virtually via Microsoft Teams. There are also limited spaces to attend the meeting in person. Please check the Council's website for the latest information regarding the arrangements that are in place and the requirement to book a place 2 working days prior to the meeting. Taking part in meetings (northdevon.gov.uk)

Members of the Licensing and Community Safety Committee Councillor York (Chair)

Councillors Biederman, Cann, Denton, Haworth-Booth, Hunt, Jusef, Lethaby, Maskell, Milton, Norman, Quinn, Renshaw, Whitehead and Williams

AGENDA

1. Apologies for Absence
2. To approve as a correct record the minutes of the meeting held on 7 March 2023 (Pages 5 - 8)
(Attached).
3. Items brought forward which in the opinion of the Chair should be considered by the meeting as a matter of urgency
4. Declarations of Interests
5. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information)

PART 'A'

6. **Community Safety Partnership**
Service Lead - Community Safety Partnership Officer/Harm Risk Officer to report.
7. **Introduction to the work of the Licensing and Community Safety Committee**

Public Protection Manager to report.

8. **Alternative Arrangements for the Appointment of Sub-Committees 2023**
(Pages 9 - 16)

9. **Licensing and Community Safety Sub-Committees** (Pages 17 - 42)

To consider and adopt the minutes of the following meetings (attached):

(a) Licensing and Community Safety Sub-Committee D: 27 January 2023

(b) Licensing and Community Safety Sub-Committee A: 29 March 2023

(c) Licensing and Community Safety Sub-Committee B: 23 March 2023

(d) Licensing and Community Safety Sub-Committee C: 28 April 2023

PART 'B' (CONFIDENTIAL RESTRICTED INFORMATION)

Nil

**If you have any enquiries about this agenda, please contact Corporate and
Community Services, telephone 01271 388253**

5.06.23



North Devon Council protocol on recording/filming at Council meetings

The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. Members of the public that attend meetings must be aware that these meetings are open to the public and so therefore both individuals and the Council itself have the right to record the meeting. The Council understands that some members of the public attending its meetings may not wish to be filmed. The Chair of the meeting will make sure any request not to be filmed is respected.

The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chair of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person recording should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be filmed. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be filmed must advise the Chair at the earliest opportunity to allow them to be directed to an area in the room where they will not be caught on camera. Subject to paragraphs 1, 2 and 3 above, audio recordings shall be permitted at all times during public meetings.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

Notes for guidance:

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For more information contact the Corporate and Community Services team on **01271 388253** or email memberservices@northdevon.gov.uk or the Communications Team on **01271 388278**, email communications@northdevon.gov.uk.

North Devon Council offices at Brynsworthy, the full address is:
Brynsworthy Environment Centre (BEC), Roundswell,
Barnstaple, Devon, EX31 3NP.

Sat Nav postcode is EX31 3NS.

At the Roundswell roundabout take the exit onto the B3232, after about ½ mile take the first right, BEC is about ½ a mile on the right.

Drive into the site, visitors parking is in front of the main building on the left hand side.

On arrival at the main entrance, please dial 8253 for Corporate and Community Services.

All public meetings held at Brynsworthy Environment Centre are held on the ground floor and are accessible through the main entrance to the building or via a ramp located adjacent to the main entrance



NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Committee held in the Barum Room - Brynsworthy on Tuesday, 7th March, 2023 at 10.00 am

PRESENT: Members:

Councillor York (Chair)

Councillors Bulled, Chesters, Hunt, Pearson, Tucker and Walker

Officers:

Solicitor and Public Protection Manager and Environmental Health and Licensing Practitioner

32. ADJOURNMENT OF MEETING

RESOLVED that at 10 am the meeting be adjourned, to allow for the arrival of Officers.

RESOLVED that at 10:16 the meeting adjournment continue for a further 15 minutes, to allow for Officers to arrive.

RESOLVED that at 10:31 with the arrival of Officers, the meeting be resumed.

33. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Biederman, Cann, Gubb, D. Spear and L. Spear.

34. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 11 OCTOBER 2022

RESOLVED that the minutes of the meeting held on 11 October 2022 (circulated previously) be approved as a correct record and signed by the Chair.

35. DECLARATIONS OF INTERESTS

There were no declarations of interest announced.

36. INTRODUCTION OF A DRAFT DRUGS TESTING POLICY FOR NEW AND EXISTING LICENSED DRIVERS

The Committee considered a report on the Introduction of a Draft Drugs Testing Policy for New and Existing Licensed Drivers, (circulated previously), by the Public Protection Manager.

The Public Protection Manager advised the Committee that due to a number of driver licence revocations recently because of drug misuse it was decided a Drug

testing Policy was required which would set out the behaviours the Council expected of its licensed drivers.

Lee Staples, Environmental Health and Licensing Practitioner highlighted the following:

- Of the 256 licensed drivers in North Devon, three licensed drivers had had their licenses revoked during 2022 following a positive drugs test undertaken by the Police.
- A drugs focussed newsletter was sent out to the licensed trade highlighting the issue in January 2023.
- A Policy, which permitted the Council to test applicants and licensed drivers for the misuse of drugs, would act as a deterrent.
- There were two options being presented to members, as shown at Appendix A and B of the report, as well as a request to run a six-week consultation with the trade, stakeholders, the public and anyone who had an interest in taxis.

The Environmental Health and Licensing Practitioner gave the following responses to questions:

- The Policy options did not include alcohol testing but was something that could be considered as part of a consultation.
- The Council would be notified by the Police when a driver had been found guilty of a driving offence but with delays in the information being passed to the Council the authority had introduced the necessity for the driver to notify of any changes to their licence. Not notifying the Council would result in disciplinary action.
- The majority of illegal drugs were still detectable up to three days or more following consumption. The Council would notify a driver to attend for testing within a 48-hour period.
- New applicants and existing licence holders found to be guilty of an offence would pay for the cost of a drugs test, whereas, the cost of a random request to attend a drugs test would fall to the Council.
- The additional cost of drugs testing would equate to roughly £11 per license.
- The costings to add in the testing of alcohol would need to be reported at a future Licensing and Community Safety Committee.

RESOLVED that

- (a) Option 2, shown at Appendix B of the report, be approved for consultation subject to the following amendments:
 - (I) Random alcohol testing to be carried out; and
 - (II) Licensed drivers to be tested within 24 hours of being requested to attend a random drugs or alcohol test by the Licensing Officer.
- (b) The Licensing Service begin a formal consultation on Option 2, as shown at Appendix B of the report,

- (c) A six-week consultation exercise be carried out with the 'taxi and private hire trade', general public and anybody or person with an interest in taxis and private hire drivers/vehicles; and
- (d) Proposed amendments to the policy resulting from the consultation and review process be presented to the Licensing and Community Safety Committee.

37. HACKNEY CARRIAGE AND PRIVATE HIRE POLICY AMENDMENTS

The Committee considered a report by the Public Protection Manager (circulated previously) regarding Hackney Carriage and Private Hire Policy Amendments.

The Public Protection Manager highlighted the following:

- The proposals which had been put forward from the Licensing Team included amendments to the following areas of the policy:
 - Wheelchair accessible vehicle approval – vehicle conversion certification requirements;
 - Executive Hire Exemptions – Exemption conditions;
 - Vehicle Inspection form – additional information added to the inspection form;
 - Update to Appendix J of the policy (Offences – Hackney Carriages and Private Hire Vehicles and Drivers), to reflect new offences;
 - Removal of the requirement for licenced vehicles to carry a fire extinguisher; and
 - Additional medical requirement information.

The Committee discussed the requirements of door signage on Private Hire vehicles and concluded that sun strips could be used to advertise the vehicle was only available through advance booking where the driver felt a door sign might damage the vehicles paint

RECOMMENDED that Strategy and Resources Committee approve the amendment to the Council's Hackney Carriage and Private Hire Licensing Policy (November 2022) as detailed at Appendix A of the report, to support Officers refusing taxi and private hire driver licence applications where applicants clearly fail to comply with the convictions policy in Appendix H and where that policy indicates that a licence should not be granted.

38. SAFER BARNSTAPLE ACCREDITATION ASSESSMENT - SCHEME INFORMATION FOR VENUES

The Committee received an update on the Safer Streets, Barnstaple Funding.

The Environmental Health and Licensing Practitioner highlighted the following:

- An Accreditation scheme would be introduced for any licensed premises who carried out public facing activities.

- There would be three tiers that could be awarded under the scheme, bronze, silver and gold.
- Premises would be required to hit a minimum of 50% of the scheme's criteria to be awarded a bronze level.
- Feedback would be given to premises who had attained a bronze level with a view to encouraging them to gain a higher level.
- After visiting many businesses around the town it became clear many of them were keen for a 'Pub Watch' type scheme to be re-introduced.
- The funding had to be spent by September 2023 after which a feedback report would be brought to Committee.
- At present this would be rolled out in Barnstaple but could be extended to other towns if funding became available.

The Committee noted the verbal update given.

39. LICENSING AND COMMUNITY SAFETY SUB-COMMITTEE

The Committee considered the Licensing and Community Safety Sub-Committee minutes (circulated previously) of the Licensing and Community Safety Sub-Committee D meeting held on 27 January 2023.

RESOLVED that due to none of the Sub-Committee D members being present the minutes could not be approved and signed by the Chair of that Sub-Committee.

The Chair and Committee Members gave thanks to the Licensing Team for all their detailed work.

Chair

The meeting ended at 12.04 pm

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.



North Devon Council

Report Date: Tuesday, 13 June 2023

Topic: Alternative Arrangements for the Appointment of Sub-Committees 2023

Report by: Head of Governance

1. INTRODUCTION

1.1. This report considers the alternative arrangements for the appointment of Sub-Committees to support the Licensing and Community Safety Committee in its work.

2. RECOMMENDATIONS

2.1. That the Committee appoint five Sub-Committees, each with three Members with the delegated powers as detailed in Appendix A of this report.

2.2. (a) that alternative arrangements be made for the appointment of Members of the Sub-Committees of the Licensing and Community Safety Committee in accordance with the powers set out in S17 of the housing and Local Government Act 1989 and the provisions of the Local government (Committees and Political Groups) Regulations 1990; and

(b) that the alternative arrangements provide that the membership of the Sub-Committees of the Licensing and Community Safety Committee be not politically balanced.

2.3. That Members be appointed to the Sub-Committee as detailed in Appendix B of the report until such time as re-appointments are made in 2024.

2.4. That a Member be selected by Corporate and Community Services to act as a Substitute Member for each Sub-Committee meeting should the need arise for a substitute.

2.5. That the appointed Sub-Committees be restricted in that they may not further delegate any of their powers to an officer of the Council or any other body.

3. REASONS FOR RECOMMENDATIONS

3.1. To establish the working practices of the Licensing and Community Safety Committee under the Licensing Act 2003 and other Licensing regimes.

4. REPORT

4.1. The Licensing and Community Safety Committee has operated through a series of Sub-Committees appointed with delegated powers as set out in Appendix A of this report.



4.2. The previous Licensing and Community Safety Committee adopted the following:

- (a) *That alternative arrangements be made for the appointment of Members of the Sub-Committees of the Licensing and Community Safety Committee in accordance with the powers set out in S17 of the Housing and Local Government Act 1989 and the provisions of the Local Government (Committees and Political Groups) Regulations 1990; and*
- (b) *That the alternative arrangements provide that the membership of the Sub-Committees of the Licensing and Community Safety Committee be not politically balanced.*

4.3 The Committee is requested to consider a similar resolution to apply to the appointment of Sub-Committees for administration of the Licensing Act 2003. See Appendix B for proposed membership of Sub-Committees.

4.4 Should the Committee pass such a resolution it is recommended that five Sub-Committees of three Members be appointed in accordance with the provisions of the Act: should such a resolution be not made, then the Sub-Committees must be politically balanced.

5. RESOURCE IMPLICATIONS

5.1. The implementation of the recommendations of this report will have no significant financial or manpower cost implications.

6. EQUALITIES ASSESSMENT

6.1. Please detail if there are/are not any equalities implications anticipated as a result of this report. If so, please complete the Equality Impact Assessment (EIA) Summary form available on Insite and email to the Corporate and Community Services Team at equality@northdevon.gov.uk.

6.2. The conduct of hearings by the Committee and any of its Sub-Committees will be in accordance with all provisions of human rights and natural justice.

7. ENVIRONMENTAL ASSESSMENT

7.1. There are no environmental implications arising from these proposals.

8. CORPORATE PRIORITIES

8.1. What impact, positive or negative, does the subject of this report have on:

8.1.1. The commercialisation agenda: Not applicable.

8.1.2. Improving customer focus: Not applicable.

8.1.3. Regeneration or economic development: Not applicable.

9. CONSTITUTIONAL CONTEXT

9.1. Article 8 paragraph 8.3.2

9.2. Referred or delegated power? Delegated



10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report: North Devon Council Constitution May 2019 revised February 2023. (The background papers are available for inspection and kept by the author of the report).

12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Aurienna Dunbrook, Corporate and Community Services Officer

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APPENDIX A

LICENSING AND COMMUNITY SAFETY COMMITTEE

APPOINTMENT OF SUB-COMMITTEES

1. That each Sub-Committee be delegated power to:
 - (a) Consider any appeals against the decision of officers in relation to any of the matters covered by paragraphs (a) or (b) of Part 3, Annexe 1 (4), of the Constitution as detailed below:
 - (a) Licensing Authority functions under Licensing Act 2003 and the Gambling Act 2005
 - (b) Other licensing matters as set out in Part B of Schedule 1 to the 2000 Regulations

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APPENDIX B

PROPOSED MEMBERSHIP OF THE LICENSING SUB-COMMITTEES

Sub-Committee A

Councillors Cann, Jusef and Haworth-Booth

Sub-Committee B

Councillors York, Lethaby and Maskell

Sub-Committee C

Councillors Hunt, Quinn and Denton

Sub-Committee D

Councillors Norman, Milton and Renshaw

Sub-Committee E

Councillors Biederman, Williams and Whitehead

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NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Sub Committee D held at Barum Room - Brynsworthy on Friday, 27th January, 2023 at 10.00 am

PRESENT: Members:

Councillor

Councillors Campbell, Cann and Gubb

Officers:

Legal Advisor, Solicitor, Licensing Officer and Licensing Officer

19. APPOINTMENT OF CHAIR

RESOLVED that Councillor Campbell be appointed Chair for the Sub-Committee D.

20. APOLOGIES FOR ABSENCE

There were no apologies for absence.

21. DECLARATIONS OF INTEREST

There were no declarations of interest made.

22. APPLICATION FOR THE GRANT OF A PREMISES LICENCE: HARTA RETREAT, CLEAVE FARM, HOLE LANE, EAST DOWN, BARNSTAPLE, NORTH DEVON EX31 4NX. REFERENCE 055556

Also present: Mr John Dunkley, Applicant's Legal representative.
Ms E Frolich, Resident of neighbouring property.

The Chair introduced himself and those present.

The Legal Officer summarised the hearing process.

The Licensing Officer outlined the application made in respect of Harta Retreat, Cleave Farm, Hole Lane, East Down, Barnstaple, EX31 4NX, reference 055556, and confirmed that two representations had been made. Mediation had been encouraged, although no compromise had been agreed.

It was noted that, as yet, there had been no planning permission granted for the building proposed by the applicant. This application was purely for the license

application and to consider the prevention of public nuisance and noise, along with safety of vehicles using the site (through access and onsite parking).

The applicant's legal representative addressed the Committee. He advised the committee that:

- The applicant lived on-site with his family
- It was a boutique business which currently comprised of four luxury tepees (which each accommodated adults) and a converted barn (which could accommodate a family). Two tepees were available/occupied throughout the year, and the remaining two were available April to October only.
- The proposed building would likely be timber clad, insulated, and would incorporate double glazed windows and doors. The building would have four walls and not be an open structure. The building would be approximately 400-500m from the neighbouring property to the north. There would be some natural sound proofing from the trees and river alongside the building.
- The applicants proposed conditions were included in appendix F. These included confirmation that entertainment would take place on no more than 3 occasions per week.
- No statutory authorities had made any representations.

In response to questions, the Applicant gave the following information:

- The access to the site was via a track, then another larger road which joined the B road.
- Events would be open to the public occasionally, although it was anticipated most would be for residents/guests on site.
- Events may take place outside in the summer months.
- The tepee accommodation was the primary business. He was aware that entertainment could be at odds with the aim to market the accommodation as a peaceful retreat. It was hoped occasional music would complement the experience of guests.

Ms E Frolich, a person who had made a representation, addressed the committee.

Ms Frolich;

- Presented the Committee with a print of a map of the local area to provide the measurements between the proposed building and her home.
- Provided an additional document from the other person who had made representation (as per appendix e)
- Confirmed that the other person who had made a representation did not live with her, but was a neighbour.
- Stated that the noise from the property would be detrimental to her own business (as a sheep farmer) as the noise would 'spook' the sheep.
- Stated the location is so quiet that at present conversations taking place on the grounds of the property can be heard at her home, and vice versa.

- She had no objections to the alcohol licence but was opposed to the live music and recorded music licence.
- Had concerns over future use/sale of the applicant's property.
- Felt that the location was not suitable for a music licence as sound carried.

In response, the applicant's legal representative advised that:

- The overall aim was to provide quiet, calm music
- There would be controls in place to ensure the conditions were met.

In his summing up the Licensing Officer reminded the Sub-Committee;

- The additional representation provided today by Ms Frolich (on behalf of her neighbour) could not be considered as received outside of the 28 day window.
- The Licensing Authority referred to Revised guidance issued under section 182 of the Licensing Act 2003 (December 2022) to mitigate noise pollution. The frequency and duration of events could be considered, along with the closing of doors and windows, and engineering methods.

RESOLVED that everyone be excluded from the meeting with the exception of Members, the Legal Officer and the Corporate and Community Services Officer in order for the Sub-Committee to receive legal advice in accordance with paragraph 5 of Schedule 12A of the Local Government Act 1972.

RESOLVED that everyone be readmitted to the meeting.

The Chair asked the Corporate and Community Services Officer to read the proposed decision with suggested amendments, which the Applicant confirmed he was happy with the agreed amendments, which were voted on and unanimously agreed.

RESOLVED that the grant of a premises licence, in respect of Harta Retreat, Cleave Farm, Hole Lane, East Down, Barnstaple, EX31 4NX, reference 055556, be approved with the conditions proposed by the applicant (in appendix F of the agenda) with the amendment to condition 13 (of appendix F); that the performance of live entertainment will be limited to a maximum duration of four hours, inclusive of any breaks, and further limited to a maximum of three occurrences per week.

Chair

The meeting ended at 11.58 am

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.

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NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Sub Committee A held at Barum Room - Brynsworthy on Wednesday, 29th March, 2023 at 10.30 am

PRESENT: Members:

Councillor

Councillors D. Spear, L. Spear and York

Officers:

Legal Advisor, Solicitor and Licensing Officer

23. APPOINTMENT OF CHAIR

The Corporate and Community Services Officer requested nominations for Chair.

RESOLVED that Councillor York be appointed Chair.

24. APOLOGIES FOR ABSENCE

There were no apologies for absence.

25. DECLARATIONS OF INTEREST

There were no declarations of interest announced.

26. TO AGREE THE AGENDA BETWEEN PART 'A' AND PART 'B'

RECOMMENDED:

- (a) That under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item as it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act (as amended from time to time), namely information relating to the financial or business affairs of any particular person (including the authority holding that information).
- (b) That all documents and reports relating to the item be confirmed as 2 "Not for Publication".

**27. APPLICATION FOR THE GRANT OF A PREMISES LICENCE:
HANDGLIDERS FIELD, WOOLACOMBE DOWN, CHALLACOMBE
HILL, WOOLACOMBE, DEVON, EX34 7BG. REFERENCE: 055786**

The applicant confirmed that he is happy the person making representations today, Mrs. Black, to remain in attendance whilst the 'Part B' business of the hearing is conducted.

The Chair introduced the Committee Members and those present.

Mr Mulchrone, the representative of the applicant, Mr Liney Lewis, was accompanied by Mr Hayler (a business associate of Mr Linley Lewis).

The Solicitor summarised the process to those present.

The Licensing Officer addressed the Committee and advised of the following:

- The application was being considered under 'Part B' as the document provided held commercially sensitive information.
- The applicant's held a license to carry out the event. Which was for Friday to Sunday, for one event per year. This was a new application to hold the event from Thursday to Sunday. Therefore to increase the duration by one day.
- It was not an amendment to an existing licence, but for a new licence.
- The event could still be held, even if this new application was not granted, although it would be for Friday to Sunday.
- A summary sheet of the proposed licence had been included. This clearly showed the operation times for each element of the licence, for each day, alongside the timings on the existing licence, against the proposed changes. This covered the changes proposed within the application on appendix b.
- Appendix a was the application for the licence previously awarded
- Appendix b was the application for the new licence.
- Since publication of the agenda, the Licensing Officer had been advised that the National Trust had opened a new car park on the site which would alleviate any parking issues.

Mr William Hayler addressed the Committee and advised of the following:

- The background of the origins of the festival, and their company. He confirmed that it had been 'born' out of Wavelength, a surfing magazine.
- The National Trust gave permission for them to use the site. This permission had been granted again for this year. The land had been well looked-after last year and the location was returned to the condition it had been prior to the festival.
- Their ethos was to be sensitive to the local environment and be of benefit to the town.
- The majority of attendees were local residents.
- Feedback from attendees had been that the festival had been a huge success.

Mr Laurence Mulchrone addressed the Committee and advised of the following:

- He was an experienced production manager / contractor and had worked on many events across the country.
- A licence was already in place to allow the applicant to hold one event per year.
- Maximum occupancy of the site was 4999. In 2022 the event saw 2500 campers, 1000 day tickets were sold for Saturday and 500 on Sunday.
- If the new licence was granted, with the addition of Thursday to the event, this would be open to camping ticket holders only. Also, only the smaller stages would be in use, with a less substantial sound system.
- They had been unable to remediate concerns received from residents.
- Decibel limits, and a maximum volume allowed would be agreed if restricted by the Authorities Environmental Health Officer.
- A Noise Manager would be employed to ensure all levels were monitored at pre-determined locations around the perimeter. Georgeham could be included in those locations. This manager would be in communication with the sound engineers.
- There would be a hotline number for the local residents to call if any issues with noise.
- Operating hours had not been exceeding in 2022.
- A Traffic Management scheme (produced by an external organisation) stated that, based on traffic modelling, there would be 1000 vehicles expected (camping), and 500 vehicles from day attendees on Saturday and 250 on Sunday. It was expected that the opening of the site a day earlier would reduce the traffic numbers of campers – as would be split over two days.
- Signage would be in place to direct attendees via the A361.
- The dates of the event had been moved in agreement with Mortehoe Parish Council.
- No representations had been made by the emergency services.
- Increased number of shuttle bus services would be provided which would transport attendees to the site from various locations including other holiday parks.

In response to a question from the Chair, Mr Mulchrone advised that there had been a few noise complaints during the event in 2022, however, the Council's officer had been satisfied that there were no issues or breaches of conditions.

Mrs Black, of Parkin Estates, addressed the Committee and advised of the following concerns of Parkin Estates:

- The strain to the road network due to increase traffic during the school holiday period.
- Public safety – pedestrians on poorly lit roads and lack of access to medical facilities.
- Effects of noise on nesting birds in Woolacombe, along with the effects of grass cutting prior to the event which would discourage ground-nesting birds.

Mr Muclhrone, Mr Hayler, and Mrs Black each summed-up with their closing statements.

Mr Muclhrone confirmed that:

- The event would need to be held during a holiday period to ensure it could be well-attended and commercially successful.
- The site would be artificially lit.
- Private medical services had been employed to provide any assistance required on site.
- He anticipated that many vehicles would remain on site for the whole weekend, and attendees would either walk or use the shuttle bus service to travel around the area.

Mrs Black confirmed that traffic was a concern due to increased awareness of the area for tourism but would support the application if the event was not being held during school holidays.

The Licensing Officer summarised the application to those present.

In response to a question from the Solicitor, Mr Mulchrone confirmed that the applicant would accept a compromise in relation to the start times for each element – so that the Thursday's starting times would match those currently in place for the Sunday and that Georgeham would be added to the list of locations for Noise monitoring.

In response to a question from the Committee Mr Mulchrone confirmed that the customer were approximately 50% families, and 50% older adults (late 20's onwards).

RESOLVED that everyone be excluded from the meeting with the exception of the Members, Solicitor, and Corporate and Community Services Officer in order for the Sub-Committee to receive legal advice in accordance with paragraph 5 of Schedule 12A of the Local Government Act 1972.

RESOLVED that everyone be re-admitted to the meeting,

The Chair requested that the Corporate and Community Services Officer read the proposed decision, which was voted on, and agreed.

RESOLVED that the application for a licence be granted with the conditions put forward. Particular consideration was given by the Committee of the robust Event Safety Management Plan and the Transport, Traffic and Pedestrian Management Plan, in terms of meeting the licensing objective. The Committee was satisfied that the applicant has taken into account any future potential issues, for example, pedestrian safety, by way of providing an increased shuttle-bus service, and potential noise issues, with the addition of Georgeham as a noise-sensitive location.

The Chair thanked everyone for their attendance and hoped that the applicants, and the representative of Parkin Estates, would continue to communicate regarding the event.

Chair

The meeting ended at 2.17 pm

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.

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NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Sub Committee B held at Barum Room - Brynsworthy on Thursday, 23rd March, 2023 at 10.00 am

PRESENT: Members:

Councillors:

Councillors Chesters, Gubb and Yabsley.

Officers:

Solicitor, Legal Advisor and Licensing Officer.

5. APPOINTMENT OF CHAIR

The Corporate and Community Services Officer called for nominations for the Chair.

RESOLVED, that Councillor Chesters be appointed Chair of the Sub-Committee.

6. APOLOGIES FOR ABSENCE

There were no apologies for absence.

7. DECLARATIONS OF INTEREST

There were no declarations of interest announced.

8. EXCLUSION OF PUBLIC AND PRESS AND RESTRICTION OF DOCUMENTS

RESOLVED:

(a) That under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items as they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act (as amended from time to time), namely information relating to any individual (including that authority holding that information); and

(b) That all documents and reports relating to the items be confirmed as "Not for Publication".

9. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - (REF NB002/23)

Also present: The applicant.

The Chair introduced herself, as did the other Members and Officers present.

The Licensing Officer confirmed all formal requirements had been met in respect of the application of a Hackney Carriage and Private Hire Licence, reference NB002/23.

The Legal Officer summarised the process to the applicant and those Members present.

The Licensing Officer presented his report to the Sub-Committee.

On the 23rd December 2022, an application was received by the Council for a Hackney Carriage and Private Hire driver's licence Reference: NB002/23.

The application was supported with the necessary Disclosure and Barring Service (DBS) check, which was received on 31st January 2023. This check brought two spent convictions to the attention of the Licensing Officer.

He outlined the detail of the convictions and other relevant information regarding the application that was made to the Sub-Committee and explained their relevance in determining whether the applicant was a fit and proper person to hold the Licenses that had been applied for.

In accordance with the relevant licensing policy, the Sub-Committee was entitled to draw upon any of the considerations outlined in its Hackney Carriage and Private Hire Licensing Policy, dated 7th November 2022.

He drew the Sub-Committee's attention to section 4.12 "The relevance of conditions and cautions" and in particular the following paragraph:

In assessing the various information collected in relation to the "fit and proper" status of an applicant or licence holder, the Licensing Authority will apply the following test:

"Would the decision maker(s) charged with the ability to grant a licence, without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, travel alone in a vehicle driven by this person at any time day or night? These include any dishonesty and offences involving violence against the person".

He also referenced appendix H (18) (c) of section 4.12 of the policy, which referred to "offences involving violence against the person".

The applicant addressed the Sub-Committee and provided further information regarding the reason for their spent convictions. The applicant acknowledged the oversight that had been made when completing the application to obtain the Hackney Carriage and Private hire Licences.

The Sub-Committee members questioned the applicant.

The Licensing Officer summed up.

The applicant summed up.

RESOLVED that everyone be excluded from the meeting with the exception of Members, the Solicitor and Corporate and Community Services Officer in order for the Sub-Committee to receive legal advice in accordance with paragraph 5 of Schedule 12A of the Local Government Act 1972.

RESOLVED that everyone be re-admitted to the meeting.

The Chair requested that the Corporate and Community Services Officer read the proposed decision, which was voted upon and agreed.

RESOLVED, that the Hackney Carriage and Private Hire Licences, (reference NB002/23) be granted.

In reaching the above decision, the Sub-Committee had listened to the evidence given by the applicant and carefully considered the answers that had been given to their questions.

Taking everything into consideration, the Sub-Committee had reached the following conclusions:

- Grant both the Hackney Carriage and Private Hire Drivers Licences for the period of one year. Departing from policy, specifically appendix H in this case:
 1. As having heard from the applicant it was apparent to the Sub-Committee that the failure to disclose was not as a result of dishonesty but a misunderstanding and miscommunication between the applicant and their prospective employer who completed the form;
 2. That the offence was an isolated conviction and did not form a pattern of behaviour as per number 9 of appendix H. The applicant demonstrated remorse and despite the time elapse from the conviction had learnt from the offence; and
 3. That the applicant had demonstrated that they were a safe and suitable driver in accordance with section 4.12 of the Hackney Carriage and Private Hire policy and therefore met the fit and proper person requirement.

10. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - (REF NB003/23)

Also present: The applicant.

The Chair introduced herself, as did the other Members and Officers present.

The Licensing Officer confirmed all formal requirements had been met in respect of the application of a Hackney Carriage and Private Hire Licence, reference NB003/23.

The Legal Officer summarised the process to the applicant and those Members present.

The Licensing Officer presented his report to the Sub-Committee.

On the 12th January 2023 an application was received by the Council for a Hackney Carriage and Private Hire driver's licence.

The application was supported with the necessary Disclosure and Barring Service (DBS) check received on 27th January 2023, which revealed whilst the applicant had no unspent recorded convictions, there was one Police Caution on their record.

The Police issued Caution was of relevance to the consideration by the Sub-Committee as to whether or not the applicant was a fit and proper person to hold the licences applied for.

He drew the Sub-Committee's attention to the Hackney Carriage and Private Hire Licensing Policy dated 7th November 2022 with particular reference to section 4.12 "The relevance of conditions and cautions" and in particular the following paragraph:

In assessing the various information collected in relation to the "fit and proper" status of an applicant or licence holder, the Licensing Authority will apply the following test:

"Would the decision maker(s) charged with the ability to grant a licence, without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, travel alone in a vehicle driven by this person at any time day or night? These include any dishonesty and offences involving violence against the person".

The Licensing Officer addressed the Sub-Committee.

The applicant addressed the Sub-Committee.

The Sub-Committee members questioned the applicant.

The Licensing Officer summed up and advised that all the required documents had now been submitted to the Council.

RESOLVED that everyone be excluded from the meeting with the exception of Members, the Solicitor and Corporate and Community Services Officer in order for the Sub-Committee to receive legal advice in accordance with paragraph 5 of Schedule 12A of the Local Government Act 1972.

RESOLVED that everyone be re-admitted to the meeting.

The Chair requested that the Corporate and Community Services Officer read the proposed decision, which was voted upon and agreed.

RESOLVED, that the Hackney Carriage and Private Hire Licences, (reference NB003/23) be granted.

In reaching the above decision, the Sub-Committee had listened to the evidence given by the applicant and carefully considered the answers that had been given to their questions.

Taking everything into consideration, the Sub-Committee had reached the following conclusions:

- Grant both the Hackney Carriage and Private Hire Drivers Licences for the period of one year. Departing from policy, specifically appendix H in this case:
 1. Departing from policy, the Sub-Committee finds the offence of a caution following a verbal disagreement that had occurred between the applicant and their ex-partner was an isolated incident and not pattern forming or sufficient in propensity to refuse a licence; and
 2. The applicant had demonstrated that they were a safe and suitable driver in accordance with section 4.12 of the Hackney Carriage and Private Hire Driver policy and therefore met the fit and proper person requirement.

The Chair addressed the applicant and wished them well for the future.

The applicant thanked the Sub-Committee for their time.

Chair

The meeting ended at 11.30 am

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.

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NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Sub Committee C held at Node Cowork on Friday, 28th April, 2023 at 10.00 am

PRESENT: Members:

Councillor Tucker (Chair)

Councillors Chesters and Walker

Officers:

Public Protection Manager, Legal Officer, Environmental Protection Consultant, Police Licensing Officer and Corporate and Community Services Officers

27. APPOINTMENT OF CHAIR

The Corporate and Community Services Officer requested a nomination for Chair.

RESOLVED that Councillor Tucker be appointed Chair of this Sub-Committee C.

28. APOLOGIES FOR ABSENCE

There were no apologies for absence.

29. DECLARATIONS OF INTEREST

There were no declarations of interest announced.

30. EXCLUSION OF PUBLIC AND PRESS RESTRICTION OF DOCUMENTS

RESOLVED:

(a) that under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the discussion of Appendix M of the agenda as it contains exempt information namely information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime; and

(b) that all documents and reports relating to Appendix M be confirmed as "Not for Publication".

31. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE: THE WOODPECKER BAR AND KITCHEN, WEST DOWN, DEVON,

EX34 8NU

The Sub-Committee considered a report by the Public Protection Manager (circulated previously), regarding a premises licence review application in respect of the Woodpecker Bar and Kitchen, West Down, Devon, EX34 8NU.

Also present:

Mr K and Mrs D Hayes, the applicants.

Mrs T Pearce, Designated Premises Supervisor (DPS) and Premises Licence Holder with her sister Lyn Constantine in support.

Mr P Butler, Police Licencing Officer.

Mr D Morgan, Environmental Protection Consultant.

The Chair introduced himself and invited those present to do the same.

The Legal Officer outlined the hearing process.

The Public Protection Manager presented her case and highlighted the following:

- Appendix A of the report showed the existing premises licence for the Woodpecker Bar and Kitchen.
- Paragraphs 1.2.1 and 1.2.2 detailed the Licensing Objectives the Applicants alleged to being undermined, namely the Prevention of Public Nuisance and the Prevention of Crime and Disorder.
- The Police representation in support of the review application was detailed at Appendix M of the report, which added public safety as an additional licensing objective relevant to the hearing. The documents at Appendix M were not for publication and were restricted to the Sub-Committee members, the Applicants and the DPS.
- Appendix C of the report was the representation made by the DPS in response to the applicant as well as the findings of an assessment of music noise at the premises undertaken by an independent company.
- Positive representations in support of the premises were detailed in Appendices D to L inclusive.
- Planning authority observations were detailed in Appendix O of the report.
- Appendix P were internal photographs of the licensed premises and external photographs showing location of nearby property, the Public Protection Manager explained what each photograph was showing.
- Appendix Q showed an aerial view of the location of the premises in relation to the Applicants property as well as a map detailing the location of the premises alongside the A361.
- Paragraph 4.3 of the report listed the current licensable activities authorised by the licence of the Woodpecker Bar and Kitchen.
- The Public Protection Manager highlighted that the activities of live and recorded music were currently not licensable due to their hours of operation, but despite this a review could be sought. She explained that the Sub-Committee had powers to apply conditions relevant to the live and recorded music, as outlined in Paragraph 4.8 of the report. Moreover, it was highlighted

that if imposing conditions a relevant statement would need to be inserted into the licence to the effect that Section 177A of the Licensing Act 2003 would not apply.

- The Public Protection Manager advised the Sub-Committee that they should be mindful to only consider matters that related to Licensing and not to consider any Planning issues or civil matters. Examples were given of ownership of a bank, access issues and siting of cockerels. Any information provided in relation to these areas should be treated purely for context and have no bearing on the decision which must be based upon the licensing objectives.
- Paragraph 5 of the report listed the relevant licensing policy and statutory guidance considerations.
- Paragraph 2 listed the actions the Sub-Committee could choose to take in relation to the review of the premises licence.
- Paragraph 3 gave reasons for the recommendations made at Paragraph 2.

The Applicants were asked to present their case. The Sub-Committee confirmed that they had read the Applicant's statement.

The Applicants presented their response to the representations published in the agenda as follows:

- The reason this review had been requested was to enable Mr and Mrs Hayes the chance to regain their normal family life.
- A business of this nature could be run courteously without the issues of loud music.
- The DPS's husband was the main cause of aggressive behaviour and it was not their intention to stop the business running they would just appreciate some consideration.
- Initially contact had been made to the ward Member seeking advice on what options were open to them but since that contact, no Councillors had been approached or involved in their case.
- They were unaware that the noise complaint case had been closed, noise issues continued.
- They were very happy where they lived and had no issues with the A361 nearby and had indeed eaten at the premises under the previous ownership. Living next door to an eatery should be a positive.
- Their property was 50 meters away from the licensed premises.
- Sound recordings highlighted it was a rural setting but music could be heard over the sound of birds singing.
- The owner of the licensed premises had offered to purchase their property, at a lower than market value.
- In the August of 2022 a live music event held outdoors had ended a lot later than stated by the DPS. There was social media posts to verify the lateness of this event ending.
- The accusation of harassing the DPS and her husband had not been backed up with any evidence and this was requested.
- A lot of matters had not been dealt with in a timely manner – the Applicant confirmed the relevant authorities had issued apologies in relation to this.

The Applicants spoke with regard the placement of gabion baskets etc. The Chair reminded Mr Hayes that non-licensing issues could not be considered at this hearing.

- The sound recordings made by Mr Hayes had been uploaded to the Noise App. No evidence had been provided over the claims that the sound recordings were exaggerated.
- The Noise assessment that was completed in 2022 and detailed at Appendix C of the agenda didn't appear to have given consideration for the rural nature and location of the premises – the guidance gives consideration for clubs and busy town centre locations.
- The closest point of the property to the premises was 30 meters and the furthest 50 meters sounds should not be able to be perceived as audible at these distances.
- Music from the premises could still be heard in the living room over the TV.
- The representations in support of the premises are from residents not local to the premises.
- The decisions taken by the Applicants were joint decisions and not ones taken acting alone.
- With the consent of the Chair a 15 second video clip was played to the Sub-Committee showing Mr Pearce removing a sign and declaring that the cameras would be next.

Members were invited to ask any questions.

The Applicant did not have any witnesses.

Mrs Pearce, the DPS, presented her case.

Mrs Pearce highlighted the following:

- Concern over publication of part B material pertaining to her husband, and she queried who had access to this material. (It was explained by the Legal Advisor that solely parties to this hearing had access to this material, and that it was necessary for each party to have access to the same material, in order to ensure a fair hearing and that this material would be collected on close of the meeting. Moreover, Mr and Mrs Hayes acknowledged that this would not be discussed outside of the hearing).
- Mr J Pearce had signed a Community Protection Notice (CPN), which stated that he had to behave appropriately. The Police had decided to not charge her husband and she felt the CPN was working.
- The hay bales had been removed; they had been put in place to try to help dampen the noise.
- The bins had been moved so as to be furthest away from the neighbours property.
- PC Roger Copeland had met with Mrs Pearce and suggested mediation between the parties.
- It had been Mr Hayes who had declined the mediation.

- To address the noise complaints that speaker in the premises had been moved and affixed to a wall. A volume level had been found whereby the noise could not be heard outside.
- The marquee had been removed and there were no plans to re-install it.
- Live band events were scheduled for once a month or even 6 weekly and stopped at 10pm.
- Would welcome having a Noise Management Plan (NMP) in place.

The DPS did not have any witnesses.

Mr Butler, the Police Licensing officer was asked to present his case.

Mr Butler highlighted the following:

- He outlined his experience and background.
- He had received the application for the Woodpecker Bar and Kitchen on 21 May 2021 with a due date of 15 June 2021. After a visit to the premises and a meeting with Mrs Pearce as DPS on 4 June 2021 proposed conditions were emailed to her.
- Mrs Pearce emailed back on 10 June 2021 accepting the conditions.
- The proposed conditions were then passed onto North Devon Council.
- With regard to concerns raised by Mrs Pearce in respect of the Part B material, he sited that his colleagues, Inspector Rich Preston (sector Inspector) and Police Sergeant Malcolm Kirk (NTL) were requested to comment on the Police log that was submitted as part of the agenda at Appendix M, neither had any concerns with the information being presented as long as it was restricted.

The Police had no witness.

Mr Dave Morgan, responsible authority, Environmental Protection presented his case.

Mr Morgan highlighted the following:

- He had been asked to review the case in the absence of the two previous North Devon Council officers.
- He had concluded that music noise had caused and would likely always cause a noise disturbance at the neighbouring property.
- Mr Flynn had received the noise recordings and on visiting the property had witnessed the noise intrusion first hand.
- Satisfied that a noise issue had to be dealt with a Community Protection Notice (CPN) was issued to bring the noise under suitable control.
- Subsequently changes had been made at the premises, namely that the speaker had been moved and affixed to a wall. A consultant had been employed to assess the situation and to set a level of sound so as not to cause disturbance.

- When a significant change happens a line is drawn under the complaint. Going forward if there were still issues a new case would have to be started with the process of investigation starting from scratch.
- Being a rural setting the residual background noise would be quiet so any outdoor/live event would cause disturbance to the neighbouring property.
- In defence of Environmental protection officers at North Devon Council it was a very difficult job to balance the situation when there was no background noise available to mask music noise. A licensed premises would never have no sound emitting.
- It was not acceptable to be able to hear music playing over the TV indoors but there had to be acceptance that there would be noise disturbance form time to time.
- Improved control at the premises was required and this would be challenging.
- A Noise Management Plan would be appropriate. There was a large variable between a speaker fixed to a wall indoors and live music outside once a month.
- Mr Morgan suggested that the Environmental Protection Team would be more than happy to help the DPS close this gap.

In response to a question, the Public Protection Manager confirmed there was only one speaker inside the premises and in Appendix P of the agenda, on page 103, a photo showing this speaker could be seen.

The Public Protection Manager advised the Sub-Committee that on page 24 of the agenda a plan of the licensed premises was presented for which the licensed area was edged in red. She highlighted that the exemptions added by way of the Live Music Act related to the licensed area but that there was a 'workplace exemption' relevant to live amplified music in the carpark, again between 8am and 11pm, but cited it should be noted by Members that the workplace exemption did not apply to recorded music. The marquee and the double decker bus for example were situated outside of the licensed area. As such, she suggested that in future proofing licence, that the Premises Licence Holder be asked about the siting of a double decker bus, whether this would be used by patrons and the large marquee that was positioned in the carpark which Mrs Pearce had just described as being removed, but which was present during the recent visit to the licensed premises

In response Mrs Pearce explained that the double bus was a project not linked to the licensed premises and this was the only place available to park it at this time, but that it would be removed in due course. She said the marquee had currently been removed, and there were no plans to re-erect it at this stage due to the concerns raised by the Planning Authority.

Mr Morgan had no witness.

In her summing up the Public Protection Manager cited that the applicant's had alluded to the fact that noise should be inaudible. She warned members about imposing any condition referring to inaudibility and read from page 7 of Journal of Licensing (the Journal of the Institute of Licensing) No. 24 July 2019 "In terms of noise nuisance, the types of conditions that have been found to be unenforceable

include references to noise being “inaudible” at the “nearest noise-sensitive premises”. This is not least because a test of “audibility” is hopelessly dependent on the person seeking to “hear” the noise; humans range in their ability to hear noises, and so “audible” is usually considered to be an unacceptably subjective standard, and because merely being able to hear a noise does not make it a nuisance. Indeed, in *R v Developing Retail Ltd v East Hampshire magistrates’ Court* [2011] EWHC 618, the court held such a condition to be “so vague as to be unenforceable” both as to the phrase “nearest noise-sensitive premises” (which was not defined) and as to the requirement that noise be “inaudible” there”.

The Public Protection Manager continued her summing up by reiterating to the Sub-Committee Members the recommendations shown at paragraph 2 of the report. She also passed out copies of the Pool of Licensing Conditions, Licensing Act 2003, drawn up by North Devon Council and read paragraphs 2.1 to 2.9 from the report, she finished by stating that not all the evidence submitted related to the licence considerations, and she reminded members that this could not form part of their consideration.

No other parties summed up.

RESOLVED that everyone be excluded from the meeting with the exception of Members, the Solicitor and Corporate and Community Services Officer in order for the Sub-Committee to receive legal advice in accordance with paragraph 5 of Schedule 12A of the Local Government Act 1972.

RESOLVED that everyone be re-admitted to the meeting.

The Chair requested the Clerk to read the proposed decision.

The Legal Officer checked with the Public Protection Manager that she was satisfied with the proposed decision.

The Public Protection Manager suggested that wording be amended to allow for activities be specified outside of the licensed area e.g. a marquee in the carpark, and that the condition pertaining to the timing of waste/recyclable collection be amended to ensure that it facilitated the ability for collection times by external contractors.

The Sub-Committee requested that following concerns about the timing of when rubbish could be placed in the outdoor bins, the timing be removed and the condition instead worded in terms of the location of where the bins should be placed.

The Legal Officer checked with the Premises DPS that she understood the proposed decision.

The Legal Officer checked with the Applicants that they were happy with the proposed decision.

The proposed decision as amended was voted on and approved:

RESOLVED that the premises licence in respect of the Woodpecker Bar and Kitchen, West Down, Devon, EX34 8NU has the following conditions attached to the Licence modified:

The following conditions to come into effect on Tuesday 9th May 2023.

To address the Prevention of Public Nuisance:

- (a) Under Section 177A of the Licensing Act 2003 on review of a premises licence a Licensing Authority may add a condition relating to live and recorded music as if the music were regulated entertainment. It should be noted that if this takes place the Licensing Authority must place a statement on the premises licence that Section 177A does not apply.
- (b) With the exception of 'background' music played inside the premises at a volume that does not present a risk of impacting neighbouring residents, no live or recorded music shall be played at the licensed premises and in association with Licensable activities of The Woodpecker Bar & Kitchen, until such time as a Noise Management Plan (NMP) has been submitted to, and received written approval from, the Licensing Authority.
- (c) The NMP shall set out a scheme of restrictions, mitigation measures and management procedures for effectively controlling noise generated as a result of the licensed activities. The NMP shall be sufficient to prevent public nuisance being caused by significant noise impacts at any residential property in the vicinity.
- (d) For the avoidance of doubt, the judgement of what amounts to a significant noise impact shall include consideration of the character of the area; whether noise is likely to be audible at residential properties and if so, the times and frequency with which audible noise can occur; any aggravating circumstances such as where music may contain a noticeable low frequency bass beat; existing background noise levels including those that are representative of typically quieter times.
- (e) The NMP shall identify any higher risk circumstances such as if live music events will occur and describe the specific restrictions, mitigation measures and management procedures that will be implemented to avoid significant impacts during these circumstances.
- (f) The NMP shall be prepared having regard to relevant standards, guidance and best practice.
- (g) Following written approval and thereafter, the NMP shall be implemented in full and as approved.
- (h) In the interim (until such time as a NMP be approved) all external doors and windows shall be kept shut at all times when the premises are open/during regulated entertainment. Doors may be opened for normal entrance and egress of people but must be shut immediately after.
- (i) All waste shall be properly presented and placed out for collection and remain at the front of the premises to the right of the entrance doors in the part of the premises adjacent to the A361, and on the opposite side of the car park to Hills View House; and

To address the prevention of crime and disorder:

- (j) The Designed Premises Supervisor must be in attendance at the Licensed Premises at all times whilst her husband Mr J Pearce is present at the Licensed Premises.

All agendas and reports were collected for appropriate confidential disposal.

Chair

The meeting ended at 1.19 pm

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.

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