

## Noel Bourke

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**From:** Ewen Macgregor <Ewen.Macgregor@TLT.com>  
**Sent:** 13 March 2024 17:10  
**To:** jon.dunkley@wollens.co.uk  
**Cc:** Noel Bourke  
**Subject:** THE SANDY COVE HOTEL, OLD COAST ROAD, BERRYNARBOR, DEVON, EX34 9SR  
Application for Variation - Licensing Act 2003

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Good evening Jon

Thank you for your email in relation to the above and apologies for the slight delay in coming back to you

As you know, I am instructed by Jeremy Elden in relation to the above application. Mr Elden has lodged a valid representation to the application for variation.

I understand that Mr Elden has spoken to officers of the Council and has also been in contact with you.

On behalf of Mr Elden can I make it clear that our client is supportive of the on-going operation of the hotel. It is, as Mr Elden acknowledges in his representation a successful venue. However, the operation of the hotel has caused him (and other members of the local community) significant issues, undermining the licensing objectives, primarily, that in relation to the prevention of public nuisance.

As Mr Elden sets out in his representation

1. Sandy Cove Hotel is located in a quiet rural area, benefiting from AONB and Heritage Coast designations under the planning regime.
2. Tranquillity is a key goal of both the Local Plan and the AONB Management Plans for this area
3. The hotel held 55 weddings during July and August alone last year.
4. Each involved loud music and noise nuisance.

The full extent of Mr Eldens concerns are set out in his representation.

My client is aware of, and acknowledges, the impact of the Live Music Act 2012. Notwithstanding these provisions, this does not prohibit or prevent a licensing authority from attaching certain conditions to a premises licence.

My client is happy to withdraw his representation to the application for variation on the basis that the following conditions are agreed, and added to the premises licence, and that the operators of the premises give a commitment to Mr Elden that the premises will operate and abide by the proposals set out below

1. That existing condition 17 on the premises licence which reads as follows "All external doors and windows shall be kept shut from 10.00pm when regulated entertainment is on and there will be provision of air conditioning and ventilation" so that it reads as follows:

That, save for the north facing bifold doors (**can we identify them more specifically so there is no confusion as to which doors these are?**) which shall remain locked after 2200, all other external doors and windows shall be kept shut from 2200 when regulated entertainment is being provided in the premises".

2. That existing condition 3 on the licence is amended so that the following words are added at 3 (viii)
  1. (viii) Any noise complaints received by the hotel, detailing date and time of complaint, nature of the complaint, who the complaint was made by, and to, and any remedial action taken to address the issue

3. Notices shall; be placed in the external areas of the premises requesting that customers respect the amenity of local residents.
4. That the provision of regulated entertainment is limited to indoors only
5. If officers of NDDC witness noise at a level that causes unreasonable disturbance to the occupants of any properties in the vicinity, then a noise-limiting device shall be used in relation to all sound amplification equipment used in conjunction with the premises.
6. **Model Condition N31** Where a noise limiting device is installed the following conditions will apply:
  1. The noise limiting device shall be kept at the settings approved by the Council through an authorised officer of the North Devon Council's Environmental Protection Team
  2. The noise limiting device shall be properly secured so that it cannot be tampered with
  3. The noise limiting device shall only be reset with the authority of North Devon Council through an authorised officer of North Devon Council's Environmental Protection Team
  4. If deemed necessary, the noise limiting device shall be reset to a level approved by the Council through an authorised officer of the North Devon Council's Environmental Protection Team within 14 days of notification.
7. **Model Condition N74** The use of lighting in the external areas shall cease at 2200 hours except for health and safety or security reasons.
8. At the request of the local residents a representative from the Club Management Committee will meet with the local community on a quarterly basis. Minutes of the meeting will be kept and sent to the licensing authority.
9. Members of the responsible authorities will be invited to attend these meetings should they so wish.
10. A contact number of the premises shall be made available to local residents, on request, with somebody available at all times while the premises are open, to respond to complaints.

If the above are agreed, and the operators of the hotel give a commitment my client that they will abide by the above, and that these conditions are added to the licence, then Mr Eldens representation to the variation application will be withdrawn.

Should you wish to discuss his matter with me please do not hesitate to contact me – my mobile number below is probably the best contact number.

I look forward to hearing from you.

With best wishes

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