

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

**Minutes of the Licensing Sub Committee Meeting
held on Thursday 24th May 2012 at 10.30am
in the Committee Suite, King's Court, Chapel Street, King's Lynn**

PRESENT:

Sub-Committee Members:	Councillor R Groom (Chairman) Councillor G Sandell Councillor Mrs S Smeaton
Borough Council Officers:	Rachael Edwards - Senior Democratic Services Officer John Gilbraith - Licensing Manager
Legal Advisor:	Cara Jordan
Premises:	Ingoldisthorpe Hall, Ingoldisthorpe
Applicant:	Mr Ben Marten
Applicant's Representative	Paul Byatt - LicensedinnTuition
Responsible Authorities:	Jo Garrod – Community Safety & Neighbourhood Nuisance Officer John Greenhalgh – Principal Officer, Community Safety & Neighbourhood Nuisance. Vicki Hopps – Principal Officer, Health & Safety, Food and Licensing Tony Grover – Licensing Officer, Norfolk Constabulary
Interested Parties: (who formally addressed the Sub-Committee)	Mr Redwood Mr Arterton Mr Trewin Mr Herle Mrs Dring Mr Rager Miss Goode Mr Splude Mr Bysouth Mr Brennan

NOTE: This is an outline record of the proceedings and is not a verbatim account.

References to page numbers relate to the documentation circulated in the Agenda.

1. INTRODUCTIONS

The Chairman welcomed everyone to the meeting and declared that the Sub-Committee was sitting to consider a premises application in respect of Ingoldisthorpe Hall, Ingoldisthorpe.

The Chairman introduced the Sub-Committee Members and the Borough Council Officers and explained their roles. He also introduced the Legal Advisor, Cara Jordon. All other parties introduced themselves. Those interested parties that wished to address the Sub-Committee introduced themselves.

2. THE PROCEDURE

At the request of the Chairman, the Licensing Manager outlined the procedure that would be followed at the hearing and took over the proceedings.

3. THE APPLICATION

The Licensing Manager presented his report and explained that a premises licence was required under the Licensing Act 2003 for the sale of alcohol, regulated entertainment or for the provision of late night refreshment (i.e. the supply of hot food and drink between 11pm and 5am). The four licensing objectives to be considered when determining the application, and relevant representations, were:

- a) the prevention of crime & disorder,
- b) public safety,
- c) the prevention of public nuisance, and
- d) the protection of children from harm

Mr Marten had made an application for the licensable activities of 'regulated entertainment', 'sale of alcohol' and the 'provision of late night refreshment'. A copy of the application had been attached at Appendix 1 and, if granted, would allow the premises to operate as follows:

<u>Licensable Activity</u>	<u>Days</u>	<u>Times</u>
Regulated Entertainment: Plays / Films / Indoor Sporting Events* / Live Music / Recorded Music / Performance of Dance / Entertainment similar to Live Music, Recorded Music or Performance of Dance / Facilities for Making Music / Facilities for Dancing / Facilities for entertainment of a similar description to making music or dancing. (Both Indoors & Outdoors except*)	Monday to Sunday: [Amplified music outdoors]	9am – 2am 9am – 12 midnight
Late Night Refreshment (Both Indoors & Outdoors)	Monday to Sunday:	11pm – 2am
Sale of Alcohol: (For consumption both 'on' and 'off' the premises)	Monday to Sunday: Residents:	9am - 2am 24 hours

Conditions

The premises licence, if granted would be subject to the following mandatory conditions:

- a) Under Section 19(2) of the Licensing Act 2003, no supply of alcohol may be made under the premises licence at a time when there was no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor did not hold a personal licence or his personal licence was suspended.
- b) Under Section 19(3) of the Licensing Act 2003 every supply of alcohol under the premises licence must be made or authorised by a person who held a personal licence.
- c) In relation to the sale of alcohol, the responsible person shall take all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. An irresponsible promotion means an activity carried on for the

purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carried a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children.

- d) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- e) The responsible person shall ensure that free tap water was provided on request to customers where it was reasonably available.
- f) The premises licence holder shall ensure that an age verification policy applied to the premises in relation to the sale or supply of alcohol. This policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- g) The responsible person shall ensure that-
 - (1) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is made available to customers in the following measures:-
 - (i) beer or cider; ½ pint;
 - (ii) gin, rum, vodka or whisky; 25 ml or 35 ml; and
 - (iii) still wine in a glass; 125 ml;
 - And that
 - (2) customers are made aware of the availability of these measures.
- (h) Under Section 20 of the Licensing Act 2003, the admission of children to film exhibitions would to be restricted in accordance with film classification recommendations.

The licence, if granted would also be subject to the following condition which was consistent with the operating schedule:

- (a) The West Norfolk Public Event Safety Advisory Group (PESAG) would be consulted as part of the planning process at least 28 days before an event when more than 500 persons (public and staff) were expected to attend.

Representation from Responsible Authorities

Section 13(4) of the Licensing Act 2003 defined the 'Responsible Authorities' as the statutory bodies that must be sent copies of an application. Representations made must relate to the licensing objectives.

The following comments have been received from the Responsible Authorities:

- a) The Borough Council's Community Safety & Neighbourhood Nuisance (CS&NN) Team were objecting to the application under the 'Prevention of Public Nuisance' licensing objective. A copy of their letter of objection dated the 2nd May 2012 was attached to the report at Appendix 2.
- b) The Norfolk Constabulary were objecting to the application under the 'Prevention of Crime & Disorder' licensing objective. A copy of their letter of objection dated the 8th May 2012 was attached to the report at Appendix 3. However it was explained that since the publication of the Agenda, the applicant had reached an agreement with the Police and therefore subsequently their objection had been withdrawn.
- c) Comments from the other responsible authorities are as follows:

<u>Responsible Authority</u>	<u>Comments Received</u>
Norfolk Fire Service	None
Norfolk Trading Standards	None
Norfolk Children's Safeguarding Board	None
Planning (BCKLWN)	Not objecting
Health & Safety (BCKLWN)	None

Representations from Interested Parties

Section 13(2) of the Licensing Act 2003 described interested parties as local residents/business (or their representatives) who lived/were involved in a business in the vicinity of the premises. Representations made must relate to the licensing objectives. Elected Members of the licensing authority were also interested parties in their own right.

There was a petition containing 248 signatures and 61 letters of objection from interested parties to consider. There was also a letter from Ingoldisthorpe Parish Council which was objecting as a 'body' who represented persons who lived in the vicinity. Copies of the 61 letters had

been attached to the report at Appendix 4; the petition attached at Appendix 5 and the Parish Council letter dated the 3rd May 2012 attached at Appendix 6.

Notices

The applicant was responsible for advertising the application by way of a notice in the specified form at the premises for not less than 28 consecutive days and in a local newspaper. The Public Notice appeared in the Lynn News on Friday 13th April 2012 and should have been displayed on the premises until 3rd May 2012.

Plans

A location plan showing the general location of the premises had been attached at Appendix 7 and a plan of the premises had been attached at Appendix 8.

Borough Council of King's Lynn & West Norfolk's Licensing Policy

The current Statement of Licensing Policy was approved by full Council on the 25th November 2010 and the following extracts may be relevant to the application:

3.0 Fundamental principles

3.1 The 2003 Act requires that the Council carries out its various licensing functions so as to promote the following four licensing objectives:

- (a) the prevention of crime and disorder,
- (b) public safety,
- (c) the prevention of public nuisance, and
- (d) the protection of children from harm.

3.2 Nothing in this 'Statement of Policy' will:

- (a) undermine the right of any individual to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its own merits;
- (b) override the right of any person to make representations on an application.

3.3 Every application will be dealt with impartially and on its individual merits. The Borough Council will not refuse to grant or vary an application unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or an interested party, such as a local resident or local business, which is a relevant representation.

3.4 Licensing is about regulating licensable activities on licensed premises and any conditions that are attached to premises licences or club premises certificates will be focused on matters which are within the

control of the individual licensee or club, i.e. the premises and its vicinity.

5.0 Licensing Hours

5.1 With regard to licensing hours, due consideration will be given to the individual merits of an application. The Borough Council recognises that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.

5.2 The Borough Council wants to ensure that licensing hours do not inhibit the development of thriving and safe night-time local economies. This is important for investment, local employment and attractive to domestic and international tourists. Providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.

10.0 Prevention of Public Nuisance

10.1 Licensed premises, especially those operating late at night and early in the morning can cause a range of nuisances which impact on people or businesses in the vicinity. The concerns will mainly relate to noise but could also include light pollution and noxious smells. The Borough Council expect operating schedules to satisfactorily address these issues, as appropriate.

10.2 Where relevant representations are received the Borough Council will consider attaching conditions to deter and prevent crime and disorder both inside and immediately outside the premises. These may include conditions drawn from the Model Pool of Conditions relating to Public Nuisance (see Annex D to the Guidance issued under Section 182 of the Licensing Act 2003).

18.0 Conditions

18.1 The Borough Council will not impose conditions unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or an interested party, such as a local resident or local business, which is a relevant representation, or is offered in the applicant's Operating Schedule. Any conditions will be proportional and necessary to achieve the Licensing Objectives.

18.2 The Borough Council cannot impose 'blanket' standard conditions on premises licences or club premises certificates. The Borough Council will, however draw on the pool of conditions (published at Annex D to the Guidance issued under Section 182 of the Act) when it is considered appropriate to suit the specific needs of an individual operation.

Guidance Issued Under Section 182 of the Licensing Act 2003

The Guidance issued under Section 182 of the Licensing Act 2003 which was relevant to the application was issued by the Home Office in October 2010 and offered advice to Licensing Authorities on the discharge of their functions under the Licensing Act 2003.

The following extracts may be relevant to the application and assist the Sub-Committee:

Each application on its own merits

1.15 Each application must be considered on its own merits and any conditions attached to licences must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case.

Avoiding duplication of other legal requirements

1.16 The licensing authority should only impose conditions on a premises licence which are necessary and proportionate for the promotion of the licensing objectives. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder. It is only where additional and supplementary measures are necessary to promote the licensing objectives that necessary, proportionate conditions will need to be attached to a licence.

Public Safety

2.19 Licensing authorities and responsible authorities should note that the public safety objective is concerned with the physical safety of the people using the relevant premises and not with public health, which is dealt with in other legislation.

Public Nuisance

2.32 The 2003 Act requires licensing authorities (following receipt of relevant representations) and responsible authorities, through representations, to make judgements about what constitutes public nuisance and what is necessary to prevent it in terms of conditions attached to specific premises licences. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.33 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its

broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined in the 2003 Act) in the vicinity of licensed premises.

2.34 Conditions relating to noise nuisance will normally concern steps necessary to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time in the evening to more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions necessary to promote the prevention of public nuisance should be tailored to the style and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter events that are valuable to the community, such as live music.

2.35 As with all conditions, it will be clear that conditions relating to noise nuisance may not be necessary in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the vicinity of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be necessary.

2.36 Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late evening or early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave.

2.38 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives.

2.39 Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place

signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

Determining Applications Where Representations Are Made

9.3 Where a representation concerning the licensing objectives is lodged by a responsible authority about a proposed operating schedule it is relevant and the licensing authority's discretion will be engaged. It will also be engaged if an interested party makes relevant representations to the licensing authority, i.e. those which are not frivolous or vexatious and which relate to the licensing objectives. Representations can be made in opposition to, or in support of, an application.

9.24 As a matter of practice, licensing authorities should seek to focus the hearing on the steps needed to promote the particular licensing objective which has given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or interested party may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.

9.25 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are necessary to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- Guidance issued under Section 182 of the Licensing Act 2003;
- Its own statement of licensing policy.

9.26 The licensing authority should give its decision at once, unless the Act itself states otherwise and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be necessary for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition which is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety.

9.27 Alternatively, the licensing authority may refuse the application on the grounds that this is necessary for the promotion of the licensing objectives.

Conditions Attached to Premises Licences

10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions the holder of the premises licence or the club premises certificate will be required to take or

refrain from taking at all times when licensable activities are taking place at the premises in question.

10.3 All interests – licensing authorities, licence and certificate holders, authorised persons, the police, other responsible authorities and local residents and businesses – should be working together in partnership to ensure collectively that the licensing objectives are promoted.

10.4 Under former licensing regimes, the courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided. Failure to comply with any conditions attached to a licence is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both.

10.5 Annex D provides pools of conditions (although not an exhaustive list) which relate to the four licensing objectives and could be used where necessary and appropriate to the particular circumstances of an individual licensed premises. It is important that they should not be applied universally and treated as standard conditions irrespective of circumstances.

Proposed Conditions

10.7 The conditions that are necessary for the promotion of the licensing objectives should emerge initially from a prospective licensee's or certificate holder's risk assessment which applicants and clubs should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule which must also set out the proposed hours of opening.

10.8 In order to minimise problems and the necessity for hearings, it would be sensible for applicants to consult with responsible authorities when schedules are being prepared. This would allow for proper liaison before representations prove necessary.

Imposed Conditions

10.11 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are necessary to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.

10.12 It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.

Annex D Pool of Conditions

Part 4: Conditions Relating to the Prevention of Public Nuisance

It should be noted that provisions of the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which may result from arbitrarily fixed closing times. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public as such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue. Or the playing of recorded music might only be permitted after a certain time where conditions have been attached to the licence or certificate to ensure that any potential nuisance is satisfactorily prevented.

Restrictions might also be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time. In premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to the following conditions.

Noise and vibration

In determining which conditions are necessary and appropriate, licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter the holding of events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. The following conditions may be considered:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by one or more of the following conditions:
 - a simple requirement to keep doors and windows at the premises closed;

- limiting live music to a particular area of the building;
- moving the location and direction of speakers away from external walls or walls that abut private premises;
- installation of acoustic curtains;
- fitting of rubber seals to doorways;
- installation of rubber speaker mounts;
- requiring the licensee to take measure to ensure that music will not be audible above background level at the nearest noise sensitive location;
- require licensee to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary;
- noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful).
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted.
- The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Questions to the Licensing Manager

There were no questions from Members of the Sub-Committee to the Licensing Manager.

4. THE APPLICANT'S CASE

Paul Byatt, on behalf of the applicant, presented his case as follows:

“I would like to begin by thanking the Licensing Committee for giving us the opportunity to present our premises licence application for consideration.

We do understand the concerns of the local community and agree that an application of this nature should be able to demonstrate that a rigorous risk assessment has been carried out and measures to protect the community from noise, nuisance and disorder implemented. Having regard to this and mindful of a previous event Mr Marten hosted, he has sought the advice from professional acoustic engineers and responsible authorities. He has sought every opportunity to consult with the local community to try and agree to an operating model that would be accepted by both parties.

Mr Marten has acknowledged that the first ever event at the Hall held in August 2010 did have a negative impact on the local community and he has agreed that the level of noise nuisance was unacceptable. But lessons have been learnt. The particular event will of course feature quite significantly in today's hearing and may have bearing on the decision reached by the Sub-Committee, however it should be acknowledged that important lessons were

learnt as a result of that event, and the application before you have taken those into account. It should be also noted that since that event there have been several other events which have occurred without detriment to the local community.

Mr Marten's intentions are to create a viable business model based on providing corporate, wedding, and a number of other selected events at the Hall, not dissimilar to other business models adapted by venues such as Sandringham Estate, Houghton Hall and Felbrigg Hall. The model was not uncommon and would hopefully generate some necessary income which was required to maintain the Hall, and support a thriving and sustainable local business. It may also provide opportunities for local employment and support other local enterprises. However, Mr Marten is fully aware that this must happen without detriment to the local community.

Mr Marten has been fully transparent with his intentions and sought every opportunity to consult with the local community and responsible authorities. He has attended a local Parish Council meeting and hosted a meeting with local residents at the Hall. The Meeting at the Hall was also attended by representatives from the Licensing Team and Environmental Noise Nuisance Team. The meeting was designed to create an opportunity to fully explain his intentions, listen to concerns, and ultimately agree to any reasonable proposals the community put forward. However what Mr Marten experienced was a completely negative response and a clear unwillingness to reach any sort of agreement or compromise. No constructive dialogue was reached due to an extremely hostile environment. My client at one point had to fend off allegations that he was a liar, and was confronted with a request to agree to financially compensate a neighbouring business for the loss of revenue caused by the proposed events.

Mr Marten had applied for licensable activities to take place from 0900hrs to 0200hrs both indoors and outdoors. He is naturally very mindful of the potential of nuisance and as part of his risk assessment, has proposed limiting any outside amplified sound until midnight. These times being critical to his business model ensuring the Hall is able to compete for a share of the wedding event market. Mr Marten would however, consider restricting live music until 2300hrs with disco entertainment ending at midnight outside.

He engaged the services of professional acoustic engineers to carry out surveys and prepare reports that include recommendations which limit noise impact in the surrounding area. He had also sought advice from the Environmental Noise Nuisance Team who were able to give him advice and suggest measures which could limit the impact of noise. Measures which have been implemented include:

- Limiting the wedding party to comply with the requirement to finish the band at 23:00 and to finish all noise making activity (amplified music from CD's etc) by 00:00 midnight.

- Stating to the band that, if necessary, they may be required to quieten their playing and amplification if measurements and observations show them to be audible at the neighbouring residence to a point of disturbance or a risk of causing disturbance.
- Mounting noise screens close to and behind the band, integrated into the marquee structure.
- Siting of a noise-reduced power generator at distances as high as practical from neighbouring properties.
- Monitoring and logging of noise levels at source, within the marquee, to provide a set of a continuous reference data.
- A circuit of measurement and observation of noise at a selection of representative locations within the communities around the north, east and south of the house. Noise levels to the east and south east were mitigated by the screening effect of the house.

At the meeting held at Ingoldisthorpe Hall on the 17th April 2012 attended by members of the local community as well as representatives from the Borough Council's licensing and environmental departments, all were informed that a wedding event, for 200 guests, was to take place at the Hall on Saturday 21st April. This wedding event took place in a marquee located in the grounds of the Hall and provided a live band and disco entertainment. We explained that the event was being carried out under a Temporary Event Notice (TEN) and would be an ideal opportunity for Mr Marten to demonstrate, with the measures taken to limit noise nuisance, that events could take place without it impacting negatively on the local residents and the community. The Environmental Noise Nuisance Team agreed that this would be an opportunity for them to monitor the event to ascertain levels of nuisance. Mr Marten again engaged the services of a professional acoustic engineer who attended the event to monitor and gather any evidence of noise nuisance from the event. Throughout the event Mr Marten and the acoustic engineer visited each neighbouring property taking sound levels and checking any impact with the neighbours. The findings of the monitoring exercise are contained in a report which can be made available for the Sub-Committee's attention. The report summary concludes:

"Noise levels due to the event, as observed within the local communities, were inaudible in some places (e.g. on the lower areas of Brickley Lane). In others they were audible but seemed unlikely to be causing any disturbance to the use of internal areas within neighbouring properties

Advance notice of the event was given to local residents, along with full contact details in case of complaints or concerns. On the day of the event, the proprietor and the noise consultant visited a number of residents in the course of planning measurement locations and to identify the noise consultant who would be on duty and patrolling the area during the event. Contact

details were again given. No complaints were received during the event, and none have been brought forward to date since.”

The following is extracted from the Event Noise Management Report:

“We requested formal feedback on the findings from the monitoring activities carried out by the Council’s Environmental Nuisance Team on the event. No formal report was made available to us, however a summary of the findings were emailed to us, which were as follows:

Monitoring was carried out at the following locations:

Point 1 - Caravan Site entrance Brickley Lane

Point 2 - Property adjacent to Mount Amelia and closest to the event marquee.

Point 3 - Stopped at several points along Hill Road

Point 4 - Lynn Road opposite Mount Amelia

Point 5 - Junction of Brickley Lane and Brickley Lane Way

Point 6 - Junction of Chalk Pitt Road and Shernborne Road which is where we entered Docking.

Music was only audible on Brickley Lane. Words to songs were audible and recognisable and some voices and noise from vehicles was also heard.

The predominant noise source at all other locations was noise from the bypass.

It was noted however that due to the levels of some properties some screening from the noise would occur at road level and bedrooms may be exposed to a slightly higher level.

It was also noted that the bass seemed to be from amplification of instruments as the commentary between songs could be heard which is not usual for a traditional disco type of event.

The monitoring showed that the event was not audible all over Ingoldisthorpe and for most locations was not intrusive. For those locations that it could be heard the level was not at statutory nuisance level, but may have been an annoyance, depending on the length of time the annoyance occurred for.

These summaries of findings were not dissimilar to the findings of Mr Martens Acoustic report (A copy of which was made available to Members of the Sub-Committee).

We are not aware of any findings from monitoring activities carried out by the local community supporting any claims to nuisance and disturbance.

As there were no complaints or concerns shown on the evening of the event, I contacted the licensing and environmental departments enquiring to whether they had received any reports of nuisance resulting from the event. The environmental team did confirm that there had been one short email from a resident from Shernborne Road stating that the noise was less than previous events, but they could still hear the music indoors with windows and doors shut.

There are several concerns regarding the increase in traffic along Brickley Lane, which could cause elements of disruption. We would like to point out that should Mr Marten have carried out any other events that did not include licensable activities then there would be no requirement to apply for consent and therefore the community would not be given the opportunity to object. Mr Marten has held several events at the Hall under Temporary Event Notices and has not been made aware of any nuisance issues regarding traffic. One particular event had 200 vehicles parked in his grounds without any documented reports of nuisance. However, in his application Mr Marten has agreed that any such large events will be communicated to the Public Events Safety Advisory Group (PESAG) who will support, advise and assist in the safe delivery of the event. There were no concerns shown by the Police or the Environmental Nuisance Team. We are not aware of any traffic issues resulting from the recent wedding event held on the 21st April 2012.

Mr Marten's application for a premises licence has demonstrated due concern towards the local community. He has invested considerable time, effort and financial resources in developing a business model that he feels would be an asset to the community. He is fully aware of how activities at the Hall can impact negatively on the local community and has carried out rigorous risk assessments. He has clearly demonstrated and has evidence to support the fact that events can take place at the Hall with minimal impact.

Mr Marten is fully aware that should any event breach conditions of his licence or exceed any statutory levels of nuisance, a review of the licence can be requested by any interested party or responsible authority.

We hope that the Committee will consider all the positive steps Mr Marten has taken to promote the licensing objectives and will be mindful to grant the licence on the terms requested.

Questions to the Applicant

Responsible Authorities

There were no questions from Mr Grover, Police Licensing Officer or Mrs Garrod, CS&NN to the applicant.

For clarification purposes, the Licensing Manager questioned the applicant as to why he had not agreed to the conditions proposed by the CS&NN Team. Mr Byatt explained, the applicant did not want to be restricted to 1 day events as currently under the TEN scheme, events could last up to 7 days. He was happy to consider restricting live music to finish at 11pm, however it was also felt that all noise making activities (i.e. disco) for such events as weddings should be until midnight as contained in the applicant's business model.

Interested Parties

In relation to questions from interested parties, the responses/comments are summarised below:

- Mr Marten acknowledged that the wedding held in August 2010 was in the fact the second wedding event he had held, the first being in February 2010.
- Mrs Redwood referred to an email she had received from the applicant dated 4th April 2012 which had stipulated that he was willing to restrict to having only acoustic bands, indoors only. Mr Marten responded and explained that he had wanted to explain his proposals to residents and would ensure that extensive and sufficient measures were put in place in order that live bands would not be intrusive to local residents. They would also be restricted to 11pm.
- In relation to consulting with PESAG, Mr Marten stated that he did not foresee many grounds to hold larger events when more than 500 persons were in attendance. He stated that they would very infrequent and the bottom field was not suitable to hold such events.
- In relation to comparing Ingoldisthorpe Hall with venues such as Houghton Hall and Oldham Hall which were surrounded by acres of land, Mr Marten acknowledged the point but stated that the events held at these venues involved considerably more guests. Both venues had a premises licence in a built up area.
- With reference to the recent wedding held in April 2012, Mr Marten explained that as a resident of the Hall, he could not hear any noise disturbance.
- Mr Marten confirmed that had no intention of holding events lasting 7 days however this was an option in line with TEN guidelines. Any events involving over 500 people, he would consult with PESAG. In relation to what type of events these might be, Mr Marten stated such events as a Farmers Market.
- Mr Rayner referred to the applicant approaching him to offer him financial compensation for loss of revenue.

- In relation to how many cars used Brickley Lane, Mr Byatt explained that he did not have figures available but transport and traffic arrangements were dealt with via other legislation (public planning).
- Reference was made to the damage to grass verges/gardens outside some of the properties situated in Brickley Lane. Lack of toilet facilities, lack of hand rail up the stairs and no disabled access at the Hall were also raised.
- Mr Marten confirmed that the Hall was situated in 42 acres of land. Reference again was made there was no comparison to venues such as Houghton Hall and Holkham Hall with Ingoldisthorpe Hall being situated in the middle of a rural the village.
- In relation to when the event referred to earlier had taken place involving 200 vehicles, Mr Marten apologised and corrected his mistake as he should have referred to 200 guests.
- The effect of the premises having an alcohol licence on the local community was highlighted.
- Mr Marten confirmed that there were 200 guests at the wedding that had been held in August 2010. When asked to explain why he had been unable to control the event, he originally stated that he had never run an event before and then corrected himself (an event had actually been held in February 2010), however this had been the first event with a live band. Mr Marten stated that he had never managed such a large scale event. He had initially proposed that a noise limiter be installed, however the family had stated that they would take responsibility for the noise levels which he now realised was a mistake. The band had been requested to lower the music levels but then kept on turning them up.
- Mr Marten confirmed that the marquee would be “closed” at every event. When questioned whether this would be feasible in the heat of summer, Mr Marten clarified it would be closed when music was playing.

As a point of clarification, Mrs Garrod explained that a ‘closed’ marquee would have no bearing on noise attenuation whether the doors etc to a marquee were open or closed. In her opinion, events held in a marquee were considered to be outdoor events.

- Reference was made to a website on which it be appeared that music type/festivals were being advertised at Ingoldisthorpe Hall. Mr Marten stated he was not aware of any such site and had not sanctioned it.
- In reference to the number of cars parked down one of the village roads at one the wedding events and who directed them on to where to park, Mr Marten said that they were likely guests and residents in

the holiday cottages attending the wedding and they found their own place to park. Reference was made that there was in fact ample parking at the cottages. Mr Marten apologised and stated that he would inform guests that they were not permitted to park there in the future.

- Page 108 of the Agenda was referred to in relation to Mr Marten taking his family away during events to stop them being upset. Mr Marten stated he had gone on a planned family holiday the following day of the one event.
- Mr Marten confirmed that page 175 was a plan of already built Stable Block.
- It was confirmed that the proposal for the provision of alcohol to be provided in “mini bars” in the holiday cottages had been withdrawn because of concerns by the Police. If the licence was minded to be granted, this original proposal would not appear on it.
- Mr Marten acknowledged the plan of the area on page 170 in relation to the names of the holiday cottages was incorrect. He stated that Laundry Cottage had never actively been up for sale.
- In relation to how Mr Marten would inform neighbours of forthcoming events, he suggested that a notice could be displayed in the village hall but was welcome to receive suggestions from residents on how best to notify them.
- Reference was made that there had been no opportunity for the residents to view the Event Noise Management Report circulated to Members of the Sub-Committee. It was suggested that a copy was made available to them when the meeting was adjourned.
- Reference was made to an article in the Lynn News that referred to Ingoldisthorpe Hall as a hotel, and it was suggested that it was actually a Country House. In response to whether Mr Marten had any plans to apply for a change in use, he stated this was a planning issue and that the journalist had made a mistake in the article.
- Mrs Garrod clarified what time the CS&NN Officers had monitored the noise levels at the last event. It was suggested that the applicant would keep noise levels to a minimum knowing that the Officers were in the area monitoring levels. Mr Byatt stated that Mr Marten did not know the Officers were there but re-clarified stating he knew that they were thinking about attending but was unaware of what time the Officers would be taking recordings.
- In relation to a question as whether Mr Marten had actually attended a Parish Council meeting, he stated he had had a telephone conversation with the previous Clerk. Mr Redwood, as a Member of

the Parish Council reiterated that Mr Marten had never attended a Parish Council meeting.

The Chairman adjourned the hearing (11.48am) for a period of ten minutes to allow interested parties to read the acoustic report. A copy of the Event Noise Management Plan was handed to residents.

On reconvening the hearing, the Licensing Manager suggested that the residents be given a further opportunity to question the applicant purely based on the Event Noise Management Report at the wedding event held on 21st April 2012. The following comments/responses were made and summarised below:

- Reference was made that band should have been scheduled to finish at 11pm, however the report stipulated that in practice the band played until 11.30pm.
- Reference was made to the level of recordings taken (88dcbl – 92dcbl) and it suggested even levels of 60dcbl would cause a nuisance at the caravan park. Mr Marten explained that he had visited the caravan park on the night in question.
- The report had stipulated that during the evening, activities from the Event Site were clearly audible and recognisable at Locations 1, 2 and 3. At 10pm, even with windows and doors closed, the noise still was a nuisance.
- Mr Byatt stated that Mr Marten had made every effort and given an opportunity for any residents to raise their concerns on the night and contact numbers had been issued but no one had complained. The residents had also had an opportunity to gather evidence and present it but nothing had been forthcoming. In response, it was highlighted that 248 residents had signed a petition opposing the application. Mr Byatt suggested an article in the Lynn News had quoted Mr Redwood as urging residents to write to the Borough Council.
- It was highlighted that a few residents were not at home on the evening in question and therefore had not been in a position to make a complaint.

Members of the Sub-Committee

In response to questions from Members of the Sub-Committee as to what security arrangements the applicant would put in place at such events, Mr Marten explained that he would have staff on site to usher cars. In relation to gatecrashers, Mr Marten stated that no-one would be allowed entry other than those invited guests.

5. RESPONSIBLE AUTHORITIES

5.1 Norfolk Constabulary

Mr Grover, Police Licensing Officer confirmed that he had reached full agreement with the applicant just prior to the hearing and therefore his objection had been withdrawn as the applicant had agreed to withdraw his proposals for mini-bars in the holiday cottages. He had however not yet received anything in writing.

In response to a question from the Licensing Manager, Mr Byatt confirmed that the holiday cottages did not need to be in the licensed area and therefore could be removed.

Questions for Norfolk Constabulary

Interested Parties

The following response/comments were made:

- Reference was made to the rural area in which the premises was located and the lack of a taxi service which may see people driving under the influence. Mr Grover stated that this was obviously a consideration in relation to all licensed premises and there was no evidence that there was a more significant risk at Ingoldisthorpe Hall than any other licensed premises. It was part of the personal responsibility of members of the public to act appropriately. Mr Byatt stated that non-alcoholic drinks would be available.
- Reference was made that no plans for security would be put in place and whether this raised concerns for the Police. Mr Grover referred to the condition that PESAG would be consulted as part of the planning process and the group consisted of representatives from the Police, Fire and CS&NN.
- Mr Grover confirmed he was not aware of the 3 speed checks that had recently been undertaken in Brickley Lane but stated local initiatives such as this were undertaken.

Sub-Committee Questions

There were no questions from Members of the Sub-Committee.

Mr Grover left the hearing.

5.2 Community Safety and Neighbourhood Nuisance (CS&NN)

Mrs Garrod, on behalf of the Community Safety & Neighbourhood Nuisance Team presented her case as follows:

She was a representative from the CS&NN team at the Borough Council and her main role was to deal with complaints regarding nuisance, particularly from noise.

Another part of the team's role was to act as a consultee for licensing applications to prevent public nuisance and in this case their concerns were related to the noise from outdoor events involving regulated entertainment, particularly those using amplification. There were a large number of residents surrounding the site and Ingoldisthorpe was a quiet rural location and as such it had a very low background noise level. Therefore any new noise source would be noticeable.

In 2010, the CS&NN department did receive complaints including from the Parish Council about events at Mount Amelia (as it was locally known). The matter was never found to be a statutory nuisance and officers did not witness the event. There had received no complaints since then.

For licensing applications it was the annoyance and disturbance that were a consideration which was a much lower level than for statutory nuisance that they used to investigate noise complaints. Therefore, it was in the interest of the public that the opportunity to prevent the nuisance was taken at the licensing stage rather than waiting for a noise complaint to occur. Without the right control, a member of the public can be left in a situation where they are not experiencing a statutory nuisance but they are experiencing annoyance or disturbance at low levels. In this case, it is the use of regulated entertainment outdoors only that the CS&NN team believe may cause annoyance through amplified music/performance and people noise. This included in a marquee.

Therefore to prevent the events outdoors at Mount Amelia from causing a public nuisance, CS&NN had recommended the following conditions in their letter of 2nd May (Appendix 2 – page 31).

- Regulated entertainment outdoors shall only take place for 5 consecutive hours in any 24 hour period, unless otherwise agreed in writing by the CS&NN team, a minimum of 14 days before the regulated entertainment was to take place.
- Regulated entertainment outdoors shall only take place on 12 separate days per annum, unless otherwise agreed in writing by the CS&NN team, a minimum of 14 days before the regulated entertainment was to take place.
- Regulated entertainment outdoors shall only take place between the hours of 09.00 to 23.00 on any day, unless otherwise agreed in writing

by the CS&NN team, a minimum of 14 days before the regulated entertainment was to take place.

- Regulated entertainment outdoors shall only take place on two separate days per calendar month, unless otherwise agreed in writing by the CS&NN team, a minimum of 14 days before the regulated entertainment was to take place.
- A noise management plan must be submitted within 28 days of the grant of license and shall be approved by the Licensing and CS&NN team and shall be implemented as approved thereafter.

The conditions had been recommended due to the discussions at the meeting held at Mount Amelia on 21st April 2012. They balanced the intentions of the applicant with the need to prevent a public nuisance and were simple to understand, easy to follow and did not place an un-reasonable restriction on the applicant. They were also mindful of the potential for the applicant to apply for TENs and they have been written to reflect the same opportunities that TENs would allow. The conditions were slightly more restrictive than the TEN system would allow for but they would allow the applicant to seek written approval for rare events that would be outside their operating conditions (if imposed). This meant that there was a closer level of control and order over the events and allowed the applicant the chance to show that they could operate without causing a public nuisance. If the applicant withdrew their application for regulated entertainment then the TENs system would allow the applicant to hold 12 events per year but for a much longer duration and all on consecutive days. There was the potential that CS&NN would object to them and go to hearing especially if they had received complaints. It was highlighted that it was important to note that due to the circumstances, mitigation measures would be ineffective i.e. fencing.

The conditions were a much better way to keep an open line of communication with the applicant and allow him to provide a good venue without causing a nuisance.

Since the 21st April, the CS&NN team had monitored an amplified music event and it was not found to be causing a high level of annoyance or disturbance to local residents. However, it was not witnessed at a resident's house and although an acknowledgement of a reduction in noise was received, a resident had also stated that it was still intrusive indoors with windows and doors shut. It should also be noted that this may not be representative of other nights. The Case Officer had also confirmed that it was audible at the closest receptor.

The conditions would ensure that the duration and frequency of the events did not cause a public nuisance and they would allow the applicant to operate as they intended without placing un-reasonable restrictions on him and with a degree of flexibility being included.

In this case, CS&NN had applied common sense and had listened carefully to the intentions of the applicant and the concerns of the public and had provided a balanced and fair opportunity for compromise. The Sub-Committee was urged to consider applying the conditions as imposed to protect the public whilst still encouraging a local business.

Questions to the CS&NN Officer

Applicant/Applicant Advisor

The following comments/responses to questions are summarised below:

- The CS&NN Case Officer had not deemed the levels recorded on the evening on 21st April 2012 to be considered to be causing a high level of annoyance or disturbance to local residents. The Officer in question was very experienced.
- The measures put in place for the event on the evening of 21st April 2012 had seen to be an improvement in maintaining and monitoring noise levels.
- The Event Noise Management Report was a credible report and recordings had been taken at a number of locations. Mrs Garrod stated that music was audible in some locations and may be viewed as intrusive and but there was a balance to be achieved.

Interested Parties

The following responses to a number of questions/comments from interested parties are summarised below:

- It was highlighted that weather conditions played a factor, particularly in terms of the wind direction, in noise levels. This was acknowledged by Mrs Garrod.
- It was suggested that levels were also kept to a minimum at the event on 21st April 2012 because the applicant was aware that the CS&NN were monitoring levels of noise disturbance. The Licensing Manager clarified that an out of hours team did operate on a Friday and Saturday night and therefore monitoring could potentially take place at any event.
- Mrs Garrod confirmed that monitoring had taken place at the caravan park and acknowledged that caravans did not benefit from the same barriers to noise disturbance as brick buildings.
- Reference was made that if the licence was granted with the conditions proposed by CS&NN, it was likely that residents would have to “put up” 2 events per month, from April to September, making this every other weekend subjecting residents to 5 hours of noise nuisance. Mrs

Garrod stated that this was not unreasonable and there had to be a certain acceptance that some noise may be heard in resident's homes but there had to be a balance. The applicant highlighted that such events could also take place during the winter months and were not just confined to summer.

- Mrs Garrod clarified that all their noise monitoring equipment was calibrated and that there was no reason such evidence would not be accepted in court.
- In response to what penalty would be imposed if the applicant breached the terms of his licence, the Licensing Manager clarified that the maximum fine was £20,000 or 6 months in imprisonment or both. Each circumstance was considered on its merit and it is likely if it was a first offence, it was unlikely to result in prosecution but guidance would be issued to ensure no future breaches were incurred.
- Mr Greenhalgh clarified that the weather conditions on the evening when the CS&NN Case Officer took recordings, was "fairly still, wind was not a factor, there was a slight easterly breeze, average 1/2 mph.
- Reference was made to the geographical area of the village being in a valley surrounded by 3 hills which made the sound travel and increased amplification. Mrs Garrod stated that she believed the conditions proposed, including a noise management plan by the CS&NN team would address any issues. She confirmed that she had attended a number of meetings with the applicant but he had not agreed to the conditions.
- Reference was made to page 32 of the Agenda, General Guidance and it was confirmed that it was the responsibility of the applicant to ensure that regular checks of the outdoor area to ensure that excessive noise or anti social behaviour were not occurring were carried out. It would also be outlined in the noise management plan and would include any area within the licensed area.
- Mrs Garrod confirmed that the noise management plan was a public document and could be made available.
- Mrs Garrod also confirmed that music would not be restricted to indoors, and could take place outdoors. She reiterated that she considered a marquee to be outdoors as it offered no noise attenuation and it would be the same effect whether the marquee was in place or not.
- At the request of a resident, Mrs Garrod reiterated the conditions that the CS&NN were proposing (page 31/32 of the Agenda) as follows:

- Regulated entertainment outdoors shall only take place for 5 consecutive hours in any 24 hour period, unless otherwise agreed in writing by the CS&NN team, a minimum of 14 days before the regulated entertainment was to take place.
- Regulated entertainment outdoors shall only take place on 12 separate days per annum, unless otherwise agreed in writing by the CS&NN team, a minimum of 14 days before the regulated entertainment was to take place.
- Regulated entertainment outdoors shall only take place between the hours of 09:00 to 23:00 on any day, unless otherwise agreed in writing by the CS&NN team, a minimum of 14 days before the regulated entertainment was to take place.
- Regulated entertainment outdoors shall only take place on two separate days per calendar month, unless otherwise agreed in writing by the CS&NN team, a minimum of 14 days before the regulated entertainment was to take place.
- A noise management plan must be submitted within 28 days of the grant of licence and shall be approved by the Licensing and CS&NN tea and shall be implemented as approved thereafter.

She reiterated that the applicant had not agreed to the conditions. Mr Byatt explained that the applicant had not written to the CS&NN to reject them nor formally agree to them.

- Reference was made to other licensed premises in King's Lynn town centre in terms of their licensed operating hours. Mrs Garrod explained that some of these premises quoted were located in residential areas.
- It was suggested that the conditions proposed by the CS&NN team offered the applicant a "get out clause" in that they had an option to agree different arrangements in writing with the CS&NN. Mrs Garrod stated that it was "not a get out clause" and it was proposed to offer the applicant some form of flexibility.

Questions from Members of the Sub-Committee

There were no questions from Members of the Sub-Committee

The Sub-Committee was adjourned (12.57pm) until 2pm.

6. INTERESTED PARTIES

6.1 Mr Redwood

Mr Redwood, on behalf of a number of local residents, presented his case and explained that he was representing many of the 248 Ingoldisthorpe

residents who had signed the petition along with many of those appearing on the 61 letters of objection. He made the following statement to Members of the Sub-Committee:

“Due to the limited timescale there are many who did not have the opportunity to sign the petition but wished to do so. We note there are no letters of support in the circulated document. We are in the Borough Council offices and unfortunately the venue and time makes it very difficult for many to get here. Do not be fooled by the quiet disposition of those present, the depth of feeling against the application is deep and widespread. We wish to express our views in a fair and reasonable fashion. I will present an overview including:

- The context of the application
- The history of regularly breaching the public nuisance and public safety parts of the licensing objectives
- Damage to local businesses
- Inability of Mr Marten to control guests
- Concerns (Traffic noise, sale of alcohol and crime and disorder)
- Draw conclusions and after this residents will then highlight problems specific to their area of the village.

Ingoldisthorpe Hall known as Mount Amelia is a residence and not a hotel as incorrectly described in the media. As far as we know it has not applied for change of use. Ingoldisthorpe Village is in a quiet rural area, with little background noise, many retired people, early risers, an old people's home, livery stables, sheep and horses next door to the Hall and a small caravan site opposite. This application represents a major change to the environment. Residents respect each other's peace and quiet and do not play loud music outside. Myself and many others have had no reason to complain about noise until Ingoldisthorpe Hall events started.

Ingoldisthorpe Hall is approached by a single track road from one direction and an extremely narrow road and corner from the other. The entrance allows only one vehicle in at a time. There are blind corners approaching the Hall and exiting is almost onto a corner with a footpath used by school children and dog walkers. There is a national cycle route on one of the approach roads and a car cannot pass a bicycle without the cyclist stopping or getting to a passing bay of which there are few. There are livery stables on an adjacent property to the Hall and people from other villages have horses in fields opposite. Every day these horses are exercised and so are on the roads regularly, which at present is not a problem. We assume a site visit has taken place.

On previous occasions that there have been outdoor events, the noise has been extremely intrusive for hours on end. The second occasion in August 2010 we had noise which made windows and shutters rattle, glasses shake on shelves, houses vibrate and penetrated through double glazing and closed doors keeping people awake until the early hours. Many of the letters describe the noise as horrendous. The music as on the first occasion continued on beyond the agreed time and was then replaced by people shouting, car doors slamming and engines revving until after 2am. When there have been indoor weddings, although the music has been better contained, the traffic noise and fireworks were still very much present and a nuisance.

Despite Mr Marten's efforts of noise management at the last wedding (21st April 2012), the noise was still clearly audible in neighbouring properties despite windows being closed due to the poor weather.

The noise from fireworks has been intrusive and frightened animals.

On top of this, those closest to the Hall have to suffer noise from the generator which continues on for much longer periods.

One can see from the addresses on the petition how far the disturbance travelled.

Many residents have noticed that guests to the Hall do not always appear to appreciate the danger of these narrow roads and adhere to the speed limit, especially on Brickley Lane, Smithy Road and Hill Road. There have been many near misses. On Smithy Road, the residents have placed signs to try and improve the situation but to no avail. Does there have to be an accident?

There is a local caravan site, holiday lets and bed and breakfast properties that rely on the tranquil setting. The concern is not one of competition but the premises licence application will turn away clients from coming to the area and Mr Rager will expand further on this point.

Mr Marten was told by us and many other others about the problems of loud music and traffic after the first wedding in February 2010. However despite this, and reassurances from him that things would be better next time, they were much worse. At a recent public meeting at Ingoldisthorpe Hall, Mr Marten admitted openly that he was unable to control the noise levels. Every time he asked them to turn the music down they just turned it up again. We therefore have grave concerns about future events especially those on a larger scale.

The residents of Smithy Road have complained to Mr Marten about the traffic going to the cottages but despite this there has been no improvement and Smithy Road is still treated like a race track and there is no control of parking.

The Institute of Acoustics Good Practice Guide 2002 suggests that noise limits from opening until 23:00 is that the LAeq,5min level measured 1 metre outside a window to a habitable room, with entertainment taking place shall be no more than 3 dB higher than the representative LAeq,5min level measured from the same position, under the same conditions and during a comparable period with no entertainment taking place. As the background noise in Ingoldisthorpe is almost nil this cannot be achieved with music in a marquee. This is recognised by other Councils and most guidelines refer to on how to soundproof buildings.

Article 8 of the Human Rights Act states: Environmental issues (noise or other pollution) may come within the scope of Article 8, because they affect both a person's private life and a person's enjoyment of their home.

The role of the community safety and neighbourhood nuisance officer is to prevent disamenity (unpleasantness). 248 plus residents consider this application would be a nuisance and disamenity for all the above reasons.

If the traffic increases so will the risk to pedestrians, riders and drivers. Ingoldisthorpe School is in the same vicinity. Children are encouraged to ride their bikes to school or walk. It is only when near the school that there are paths. As well as school traffic there is farm machinery and slurry lorries going to the treatment facility on Shernborne Road. As you can see the roads are already well used by a variety of vehicles, pedestrians and animals. A large event of anywhere between two to five hundred people or a moderate to large wedding will cause a major increase in road user volume with all the associated risks and noise disturbance.

We also object with the licensing hours for alcohol from 09:00 to 02:00 and for the consumption on and off the premises. We are very worried that people will leave local public houses at around 11:30pm and move into the Hall as they will know that they can get a drink until 2am. Again this will increase traffic, traffic noise at anti-social times and unruly behaviours. We have an example of a Porsche ending up in a garden in Brickley Lane. We have heard that there is already a local problem with disturbances involving the police in Ingoldisthorpe and Dersingham. Mr Marten wishes to hold events with 500 plus participants. We know historically that such events such as Snettffest bring increases in anti-social behaviour and crime.

Even though this is a new premises licence application our objection is based on what has happened not what might happen. We have clearly demonstrated that:

There is a history of significant noise disturbances.

There is a history of public safety issues in the form of traffic risk.

Mr Marten cannot control his guests.

There will be financial damage to local businesses by deterring visitors to the village.

Marquees are unsuitable for music in this environment.

Given that the Police Reform and Social Responsibility Bill 2011 states that as part of its commitment to rebalance the Licensing Act 2003 in favour of local communities, the Government is keen that licence applicants give greater consideration to the local area when making their application.

The Borough Council of King's Lynn and West Norfolk Statement of Licensing Policy Section 5.2 states that: providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.

We would ask that this premises licence application is declined.

Questions to Mr Redwood

Applicant/Applicant's Advisor

There were no questions from the applicant or his advisor.

Responsible Authority – CS&NN

There were no questions from Mrs Garrod

Questions from Members of the Sub-Committee

In response to a question from a Member of the Sub-Committee, with the aid of the map displayed, Mr Redwood indicated where he lived in the village and in relation to Ingoldisthorpe Hall.

6.2 Mr Arterton

Mr Arterton presented his case as follows:

"I have owned a property on Brickley Lane since December 1984, some 30 years.

I am here to represent the people who live on Brickley Lane West and Brickley Lane. This lane runs from Lynn Road to the top of Hill Road, where it joins St Thomas's Lane. Brickley Lane appears to be the prime route of visitors to Ingoldisthorpe Hall and we note the address on Mount Amelia's website is indeed Brickley Lane. Most visitors are not local, so Brickley Lane will be keyed in to the sat navs. As far as I am aware, every resident in the lane has voiced their resistance to the Marten's proposal, either in letter form or by signing the petition.

Brickley Lane is single track throughout its entire length to where it joins Shernbourne Road. Brickley Lane West is also single track.

There are five blind bends in Brickley Lane, four of which are 90 degrees. Local people, who are regular users are aware of the dangers, most non-locals are not. I have witnessed many near misses. In summer months when some people use it as an alternative to the A149 the increase in traffic has resulted in accidents, two of which occurred right outside my property. In winter months it is not unusual for the lane to disappear under a covering of snow and ice.

There are no footpaths throughout the length of Brickley Lane. For part of the length of the lane, pedestrians can take refuge on the adjacent field, but elsewhere the lane is below the level of the land and continues through a shallow cutting. Here, there is nowhere for pedestrians to escape from oncoming cars. The lane is a pretty rural byway and has many natural plants growing along its length, particularly hemlock which obscures the view and becomes another hazard.

There is only one passing place on Brickley Lane and this is on a blind bend.

There are no street lamps in Brickley Lane West and no lights in Brickley Lane between Lynn Road and Shernbourne Road.

There is a 30mph speed limit along both lanes.

Mount Amelia's past functions have inflicted many unpleasant experiences on us personally. Our neighbours had also reported their concerns to the Sub-Committee which are similar to those detailed below:

- The speed of the cars driven to the venue was generally in excess of the 30 mph limit. Without doubt the speed of the returning cars after the weddings finished was much higher and noisier. These return journeys took place around 2am – 3am.
- We experienced a high level of people turning into our driveway to avoid on coming traffic. Many other people stopped to ask directions. We also noted two other cars drove over our front lawn to avoid oncoming traffic.
- Since Mount Amelia appear to have no facilities of their own to cater for large events, they hire in caterers, marquees, suppliers of alcohol etc. It also appears the type of the electricity supply to the Hall is not up to the job of running a wedding, so they have to hire in a generator. The continuous noise from the generator will be mentioned later. All these extra heavy and large commercial vehicles bring more traffic to the single track lane. They have to get on site to set up and with previous functions this has taken 2 to 3 days before the event. It then can take 1 or 2 days after the event for dismantling all the hired

equipment. This all takes place during normal working hours when there are more pedestrians in the lane and during school hours.

- This part of West Norfolk is noted for its beauty and tranquil setting. We witness many walkers, children on bikes and folk walking their dogs. They all use Brickley Lane for a pleasant stroll. We also note many elderly people, residents from the caravan park at the top of the hill stroll along Brickley Lane to collect their provisions from the local store in Dersingham. This is particularly noticeable at the weekend.

We, along with the rest of the objectors, found the noise from the music from Mount Amelia very disturbing and created feelings of stress, not our usual state. The lower frequencies in particular, reverberated in a most persistent manner. We had to close our windows and found our feelings of frustration prevented us from sleeping.

We remember Brickley Lane before the Dersingham, Ingoldisthorpe and Snettisham by-pass went in. The traffic and noise was intolerable. Since then, Brickley Lane and its environment have returned to peace, tranquillity and relative safety. If this licence is granted, we could be looking at up to 4999 people visiting the Hall. Based on past experience with Mount Amelia's normal wedding functions, the increase in traffic and noise on Brickley Lane would become catastrophic.

If any Members of the Sub-Committee haven't already done so, we would urge you please to make a site visit before any decision is made".

Questions to Mr Arthurton

Applicant/Applicant Advisor

In response to a question from Mr Byatt in relation to the traffic issues raised, Mr Arthurton explained that he had lived in the village some 28 years and since the by-pass went in Brickley Lane had returned to peace and quiet. and relative safety. Mr Byatt questioned whether any potential increase in traffic could be directly associated with Ingoldisthorpe Hall as there were other amenities, such as the Church that could be accessed via the road. Mr Arthurton suggested that this would during day rather in the evening.

Responsible Authority – CS&NN

There were no questions from Mrs Garrod.

Questions from Members of the Sub-Committee

In response to a question from a Member of the Sub-Committee, it was confirmed that the caravan site situated near the Hall was for touring caravans rather than a residential site.

6.3 Mr Trewin

Mr Trewin presented his case and explained:

“I speak representing four households within the Snettisham House estate, off St Thomas’s Lane, across the River Ingol valley from Mount Amelia or Ingoldisthorpe Hall as it is described in the application, all of whom are listed in the bundle as having written objecting to the application. I will be brief:

The Ingol Valley is part of designated conservation area. Although some 1000 metres from Ingoldisthorpe Hall as the crow flies Snettisham House is directly aligned to it acoustically as residents discovered to their horror in August 2010 when an event took place in the house’s grounds. The relentless beat, the deafening volume of music continued into the small hours. Despite the heat of an August night windows had to be closed, but to little avail. We are used to rural peace. Are we now to be faced with regular assaults on our eardrums simply because of the commercial imperatives of Ingoldisthorpe Hall’s owners? Should the needs of one imperil the quality of life of many?

It seems to us that the application flies in the face of much of the DCMS’s own Guidance for Interested Parties’ document of December 2007. They are:

The Prevention of Crime and Disorder – As the grounds of Mount Amelia are largely unprotected on all sides, entry by uninvited and undesirable members of the public is relatively easy. Despite the vague reassurances given at the Hall liaison meeting last month it remains self-evident that, whatever the level of stewarding envisaged, it will in practice be virtually impossible to implement any of the statutory regulations (current or proposed) to monitor any control events and behaviour on these premises. In addition, local police resources are, we were told, likely to remain both scattered and scarce. Is policing events at Ingoldisthorpe Hall truly the best use of its already stretched resources?

Public Safety – The traffic question has been comprehensibly dealt with by the previous speakers. I agree with every word.

Prevention of Public Nuisance – as already indicated, we suspect that the proposals’ combined consequences – excessive noise, unrestricted drinking and entertainment hours (closer to those of an urban night club than a rural private residence), the potential for both anti-social behaviours at very unsocial hours, and unregulated heavy traffic movement, breach existing legislation concerning nuisance to local residents. Furthermore in this specific case, the nuisance surely also extends to the elderly residents of the care home, the livery stable and the farm caravan site, all in close proximity to Mount Amelia and indeed to all who live nearby, and who (as was so evident at meeting on 17th April) have absolutely no wish for the sheer quality of life of what is itself an area of exceptional beauty and tranquillity to be so needlessly and insensitively transformed.

In summary, these proposals are in our view not only undesirable and undesired but simply unworkable. We urge you to reject the application in its totality.”

Questions to Mr Trewin

Applicant/Applicant’s Advisor

In response to a question from Mr Byatt in relation to what Mr Trewin referred to as unrestricted drinking, Mr Trewin stated as a guest at the Hall this would be the case. Mr Byatt stated that it would be restricted.

Responsible Authority – CS&NN

In response to questions raised by Mr Greenhalgh as whether Mr Trewin’s views of the application would change, if the applicant considered agreeing to the conditions proposed by CS&NN in relation to the proposed times and number of events, Mr Trewin confirmed his views would not change.

Questions from Members of the Sub-Committee

In response to questions from Members of the Sub-Committee, Mr Trewin confirmed he had bought his property in the Summer 2010 and moved in to the property in 2011 and had lived in Dersingham when work was being carried out at the property. He acknowledged that he was aware that Ingoldisthorpe Hall was situated in the village and had driven past it when it was being restored however he had no indication or knowledge of what the proposed plans were for the Hall were for the future.

6.4 Mr Daniel Hearle

Mr Hearle presented his case and also explained:

“I live in Ingoldisthorpe with my partner and our young 2 year old daughter. I am also speaking on behalf of Mrs Wendy Reed. My first experience of a function being held at Ingoldisthorpe Hall was on the 21st August 2010. I was at home when all I could hear was a very loud base line at the time I didn’t know what it was. I went outside to listen as my partner went to check on our daughter whom was only a few months old at the time. My partner then rang her parents who live on Smithy Road. My partner’s parents told her that the noise was unbearable and it was making their small dog very distressed. Her mother works on Sundays and had very little sleep that night along with her neighbour who is a local postman and the weekends are his chance to rest and catch up.

On another event held at Ingoldisthorpe Hall my partner, daughter and I were at her parent’s house on Smithy Road. You could clearly hear the music being playing in their front room over the noise of the television. When we left there were fireworks being let off which stopped my partners parents from taking their dog for his last walk of the day.

Ingoldisthorpe is a peaceful rural village which has lots of animals and wildlife that we enjoy taking our daughter for walks as she loves seeing all the different creatures from horses, deer, sheep, ducks and chickens which I believe will be affected by all the noise and traffic such events could bring.

Venues normally have a test event to see if everything works and is suitable for that use. From my experience this venue failed its tests in every area and granting this licence would only make things worse.

We bought our home in Ingoldisthorpe to bring up our young family in a peaceful rural village with an excellent local school. Not to be next to a 7 day a week music and function venue with extra traffic that it would bring (only this week we had a serious accident at the Lynn Road, Hill Road, Junction)

Questions to Daniel Herle

Applicant/Applicant's Advisor

There were no questions from the applicant or his advisor.

Responsible Authority – CS&NN

In response to questions raised by Mrs Garrod as to whether the conditions proposed by the CS&NN Team would help allay his fears, Mr Herle stated that his experience to date and not been good and if he had wanted to move to place where large functions were held, he would have moved to King's Lynn.

Mr Marten took the opportunity to ask Mr Herle if had heard any noise emanating from the event held on 21st April 2012, Mr Herle confirmed that he had not, however his parents had heard noise disturbance.

Questions from Members of the Sub-Committee

There were no questions from Members of the Sub-Committee.

6.4.1 Wendy and Richard Reed (represented by Daniel Herle)

I have lived in Ingoldisthorpe for over 30 years and have bought up my family here. One of my daughters has now decided to buy her home in the village to bring up her young family. I live down Smithy Road three doors down from the cottages Mr Marten had renovated, which is when the trouble started. Our road is un-adopted which the residents pay for its up keep. During the renovation work our road was turned into a mud track as it is a gravel road not suitable for construction traffic. This left me having to carry my small dog up and down our road so to take him for his walks.

Then came the letting of the cottages, the guest's treat the road with no respect and drive at unacceptable speeds up and down all hours of the day. My grand daughter and I had a miss on one occasion if we hadn't stepped back in time I wouldn't like to think what could have happened. My cat and dog are on the road from time to time and I always worry about the cars from the cottages. I have a front garden that is on the other side of the road so I have to cross to use. I would also like to make you aware that the school route runs down Smithy Road and up a lane to the school. The cottages and Smithy Road have been used as extra car parking for events that have been held at Ingoldisthorpe Hall with residents being asked to move their cars by guests.

This is a quiet rural village and not one that needs to be given a bit of life, that is why my family and I chose to live here. That was until 21st August 2010 when we were kept awake until the early hours from loud music and guests returning to the cottages down Smithy Road which I could clearly hear inside my house keeping us awake and upsetting my small dog. Since this first event there have been a few more events recently and on each occasion I've been able to hear it inside my house. I work at Searles Holiday Park and work on Sundays and have had few hours sleep on this occasion. So the possibility of having more events would only destroy mine and my family's quality of life.

The lack of control shown by Mr Marten on any of the large events he held along with the problems it has brought to a small rural village show that this is a licence that can't be granted and is not at all suitable for Ingoldisthorpe Hall. Thanking you for listening and lets try and keep this village a safe and peaceful place to live and enjoy with our families.

Questions in relation to Mr and Mrs Reed's letter

There were no questions from any party in relation to the letter.

6.5 Mrs Dring

Mrs Dring presented her case and explained that she was only raising an objection to the application since receiving the Agenda and referred to the location plan on page 170 and highlighted that her concerns were in relation to the proposals for the "bottom field" to be included in the licensed area. She explained that she lived in a bungalow adjacent to the field with only a garden fence separating her from the field and with proposals for potentially seven day events involving 500 plus people was concerned about noise nuisance and lack of privacy. Mrs Dring referred to the bottom of page 18 of the Agenda and suggested that Mr Marten had been extremely vague in stipulating "cultural shows" in the description of the premises and questioned what constituted a cultural event – poetry, orchestral quartet, full brass band. She also questioned what type of plays he was proposing to put on, there was a great difference between a small school play or an event such as an opera. Mrs Dring explained that she was in terror of such events being held on the bottom field with the potential for a "mini Glastonbury".

Mrs Dring explained that her neighbours spent a lot of time in their garden and another neighbour was a counsellor and need a quiet room to talk to her clients. She was very afraid what might happen with people peering into her window offering her no privacy. Her husband was an invalid and suffered from daily headaches and long periods suffering from migraines when he needed to lie down in his bedroom until the pain went away. She had concerns on the effect on him if the application, was granted. His real enjoyment was watching the birds from their lounge window. If the bottom field was used, she felt she could no longer live there but the proposals would also have an impact on her ability to sell her property.

Mrs Dring urged the Sub-Committee to reject the application.

Questions to Mrs Dring

Applicant/Applicant's Advisor

There were no questions from Mr Byatt to Mrs Dring.

Responsible Authorities – CS&NN

In response to a question from Mrs Garrod as to whether she would still object if the events/marquee were held as far away as possible from her/neighbouring properties, Mrs Dring explained that there was no way that this could be controlled with people being able to gain entry on to the field.

Questions from Members of the Sub-Committee

There were no questions from Members of the Sub-Committee for Mrs Dring.

6.6 Mr Rager

Mr Rager presented his case and explained:

“Good morning, my name is Gerald Rager. In apposing this application, I am also voicing the same concerns as my wife and our children who are also involved in our business.

We came to Ingoldisthorpe in 1989. The farmhouse was derelict, the surrounding buildings and land were in a very poor state.

We have spent considerable time and effort in making the house and area what is today. We have farmed the land, diversified and worked hard so as to benefit the family as a whole, but without detriment to the community.

Our main concerns regarding the licence are outside music, the sale of alcohol off the premises and the volume of traffic on the single track lane, in the days preceding, during and after the events, both day and night.

We have a Caravan Club certificated location that has been established since 1990. It is situated about 75 metres from previous events held at Mount Amelia and only 15 metres from the boundary. Members of the Caravan Club, staying with us, tend to be retired and are often suffering the symptoms of increasing years. We provide a peaceful and tranquil setting for them. We have pitches that provide water, electricity and grey drainage to each pitch helping to make their stay comfortable.

Many members return to our site in Ingoldisthorpe on a regular basis, some many times in a season. Indeed we, as the site owners, benefit enormously from the friendships that develop with these visits.

We store caravans in our storage facility. About half of these caravans have owners who use the Certificated Location on a regular basis. We remove them from store, pitch them ready for their arrival and return them to store when the owners return home.

This is a service to the Caravan Club members, good for the environment and indeed is good for our business.

Many members who visit us are enthusiastic bird watchers, they retire early and will often be at vantage points along the coast as day breaks to hear the dawn chorus and see the flight of birds. Outside events will disturb those retiring early.

The local economy benefits greatly from the members.

I estimate that the spend value to be, conservatively in the region of £60,000 per annum as a whole. Not an amount the proposed events at Mount Amelia are likely to achieve.

The Club members use local shops, pubs, restaurants, buy fuel, visit local attractions, garden centres and so on.

We provide our own list of local business to all our Members.

In opposing this licence I would like to stress that it is a physical impossibility to have outside music that close to caravans and the village and not be intrusive.

In the warm weather, the problem will be even worse especially when windows need to be open. It has been and will be intolerable.

The generator is also very intrusive, the last event had a super quiet model but when under load was very much evident.

Mr Marten called to see us at the start of the last amplified music event. We have to say at that point it was reasonable from our position in the house, but as the night progressed so did the volume. So much so that we could hear

the music from Mount Amelia above our TV. This would of course be far worse for the caravaners.

We gave the Members who were on site that night, a simple and unbiased questionnaire. All said more or less the same thing, it was very intrusive. I did give these to this authority but were deemed admissible.

The noise of voices, car doors closing and vehicles leaving the event was also very evident.

The noise generated by these proposed activities will have a serious effect on the club members and the local economy.

Brickley Lane is a lovely rural area with both park and woodland on both sides. It's the home to wild life in abundance, barn owls, tawny owls, various types of woodpecker, woodcock, deer, muntjac, fox, tree creepers, wild cats, stoat and of course rabbits. It is also visited by red kite, buzzard and marsh harrier to name just a little of what we see regularly from our farm.

Their environment will be affected by the cars, noise and lights, all at unusual times. This will most likely affect their breeding and raising of their young.

To sum up, if this licence is granted the local economy will suffer, the wild life will suffer, the village as a whole will suffer and last but not least my family will suffer badly both in business and in our home environment.

Any loss of business will have major impact on our ability to remain, live and work in Ingoldisthorpe.

The sheer volume of this document, the number of people here this morning, shows clearly the strong opposition to this licence and we respectfully ask the Panel to reject the application.

Questions to Mr Rager

Applicant/Applicant's Advisor

Mr Byatt referred to the event held on 21st April 2012 when Mr Marten had called round to see if any of the residents were experiencing any noise disturbance. Mr Rager had confirmed he was not but had experienced some noise disturbance later on the evening and was questioned as what action he had taken. Mr Rager explained that knowing that the application was being considered at a hearing, it had been left until today to express his/their concerns. He also confirmed that his residents had found the noise to be intrusive. Mr Byatt reiterated why had Mr Rager made no a complaint on the evening to the applicant.

Responsible Authorities – CS&NN

In response to questions from Mrs Garrod that if the noise levels were kept to level experienced during the early part of the evening, would his opinion change, Mr Rager confirmed that it would not as noise disturbance would also be experienced from an increase in traffic and car doors slamming making it unacceptable.

Questions from Members of the Sub-Committee

In response to questions Members of the Sub-Committee, Mr Rager stated that he did not have a list of all the retail outlets that would be affected by the application, but there was a number including outlets in Snettisham and Dersingham. He also confirmed that there were 5 pitches on his caravan site.

6.7 Miss Goode

Miss Goode presented her case and referred to a recent article on 27th April which had appeared in the Lynn News where Mr Marten's father was quoted as saying that that "this is our family home and will remain our family home, subject to doing these commercial things to finance the cost to save the place. We are having a go at doing something positive and bring a bit of life to the village and increase the income". She suggested that this should not be at the expense of everyone else in the village and peaceful and quiet life was why residents lived there. Miss Goode questioned how residents could be positive about the proposals having to listen to music hours on end. She explained that she lived on Brickley Lane West approximately 500 metres from Ingoldisthorpe Hall (as the crow flew). The applicant was not unaware of how far the noise travelled and had a poor record of controlling any noise disturbance. With the proposed sale of alcohol and the likelihood of clients drinking in excess, the potential for disturbance would be even greater in the future. The applicant had not previously demonstrated his ability to control previous events. Miss Goode stated that Mr Marten's relationship with his paying customers was more important than his relationship with his neighbours.

Questions to Miss Goode

Applicant/Applicant's Advisor

In response to a question from Mr Byatt as to whether Miss Goode could hear any noise from the recent wedding held in April, she explained that she could hear the noise when she was outside but as it had been a wet evening, she was mainly inside and could not hear it.

Responsible Authorities – CS&NN

There were no questions from Mrs Garrod

Questions to Members of the Sub-Committee

There were no questions from Members of the Sub-Committee for Miss Goode.

6.8 Mr Splude

Mr Splude explained that he was also representing Miss Pratt, however he did not have anything further to add than outlined in her letter of objection.

He referred to the events held under the TEN system at Ingoldisthorpe Hall which had been very intrusive and had disturbed the peace and tranquillity in the village. Mr Splude acknowledged the need to encourage local enterprise, however it was essential that it sat harmless within the rest of the community. Mr Marten's proposals offered no benefits for local residents. There were no letters of support for the application and it should not be an acceptable situation that one resident could be responsible for disrupting the whole community. In conclusion, Mr Splude concurred with the views expressed by the previous speakers and asked the Sub-Committee to consider the overwhelming opposition to the application.

Questions to Mr Splude

Applicant/Applicant's Advisor

In response to questions from Mr Byatt, Mr Splude outlined where he lived explaining that it was approximately 250/300m from Ingoldisthorpe Hall, directly across a field. He confirmed that he was at home on the evening of the wedding held on 21st April and concurred with the comments made by Mr Rager, in that initially, at the start of the event, he could not hear any noise but as the event progressed, the noise level increased and was very disturbing.

Responsible Authorities – CS&NN

In response to questions from Mrs Garrod, as to whether Mr Splude would still object if the noise levels had remained at the same level as at the start of the event, Mr Splude stated that it was impossible to control the noise levels in an open space, people's voices would be heard and sound travelled. It was ridiculous to suggest that an outside event would not affect any of the residents.

Questions from Members of the Sub-Committee

There were no specific questions from Members of the Sub-Committee however the Chairman referred to hearsay evidence. The Legal Advisor advised that hearsay was admissible and it was for the Sub-Committee to determine how much weight they attached to it.

6.9 Mr Bysouth

Mr Bysouth explained that he lived in one of the nearest properties to Ingoldisthorpe Hall. He had purchased the property in 2005 and there had been no indication of Mr Marten's plans when his solicitor had carried out the necessary searches. He questioned what the weather conditions were like on the evening when a member of the CS&NN Team had carried out their observation at the most recent wedding event held in April of this year as the wind direction played a crucial part in how far the sound travelled. Mr Bysouth acknowledged the need for the applicant to generate income, but was concerned his application was not in keeping with the local community. He had two major areas of concern, traffic and noise. In relation to traffic, he explained that he would not duplicate other objector's comments but wished to highlight that the lane was used by school children and could also be very hazardous during the winter months with snow and ice on the ground. The school operated a text system to let parents know if the lane was considered to be too dangerous. The lane was also part of the National Cycle Route.

In relation to noise, Mr Bysouth explained that he was not aware of the acoustic report prior to the meeting but would make representations purely based on the report rather than relying on his own objective comments. He referred to Page 9 of the report (6.2 – Community Noise Monitoring Locations) and explained the location represented five or so properties closest to the site in the area, and his house was one of the five. The report stated that the noise from the event site was "clearly audible and recognisable". Mrs Garrod had also stated in her representation that for licensing applications it was the annoyance and disturbance that was a consideration. There were also several references in the report and made by the applicant about no complaints being received, however Mr Bysouth explained that he not been at home on the evening in question. He referred to Page 16 of the report which was a record of the survey carried out which stipulated "music very audible – band playing New York, New York. Mrs Garrod had questioned the previous objector as to whether they would still object, if the noise was at extremely low level. He referred to page 5 which stated that the event was scheduled to finish at 23:00hrs and that the applicant had given assurances that the curfew would be imposed, clearly it was not. Mrs Garrod had also stated that physical measures to reduce noise were impractical and only human control would be effective. The applicant's record on this issue was not one to give confidence.

The applicant had not agreed to restrictions suggested by Environmental Health and even if they were to agree, even if they kept to minimal noise experienced on 21st April, even if wind/weather conditions were similar, then residents potentially would be subjected to "clearly audible & recognise" with "noise very audible" every other weekend in warmer months making their garden unusable at these times.

Finally, there had only been consideration in relation to events held outdoors, no consideration has been given to events inside when there was a need for ventilation.

Questions to Mr Bysouth

Applicant/Applicant's Advisor

There were no questions from Mr Byatt.

Responsible Authorities – CS&NN

There were no questions from Mrs Garrod.

Questions from Members of the Sub-Committee

In response to a question from a Member of the Sub-Committee as to whether Mr Bysouth had made a complaint since the event held in 2010, he explained that fortunately he had not been at home during the two major events that had been previously held, however his neighbours had been disturbed and aghast and had not been able to have their windows open.

6.10 Mr Brennan

Mr Brennan having now had an opportunity to read the Event Noise Management Report that the applicant had commissioned for the event held on 21st April 2012, was given a further opportunity to ask the applicant/his advisor questions.

Mr Brennan questioned the applicant when the final copy of the report would be issued as the copy circulated had "draft" marked across it. Mr Marten stated that he did not expect it to change and it was the final draft.

Mr Brennan referred to the fact that the marquee on this particular occasion had been situated between the house and Brickley Lane, however Mr Marten could site the marquee for any future events in the proposed licensable area. He suggested that the Noise Management Report for the event on 21st April 2012 had no relevance or bearing on any future events. Mr Byatt stated that the event was similar to traditional events that would be held at the Hall in future and it was also planned that it would be the usual site for the marquee.

Mr Brennan referred to page 5 of the report, section 3.4, Noise Mitigation Planning which stated that the midnight cessation of all music was strictly applied, when in practice the band had played until 23:30hrs rather than the scheduled finish time of 23:00hrs and therefore had not been strictly applied. Mr Brennan also referred to page 14 of the report which was a table and graph detailing recordings of the measurement data of sound levels, the last recording was taken at 00:25hrs and measured in the range of 60 – 69 decibels and questioned why the measurements were not continued after 00:25hrs. Mr Marten explained that after this time, it would be only any noise

emanating as a result of people's voices and therefore it was deemed not necessary to continue to take recordings. Mr Brennan further referred to page 6 of the report, section 5.2 which referred to the details of the acoustic consultant who had carried out the readings and suggested that there was no such qualification as an Mst in Interdisciplinary Design. Finally in relation to the report, he also questioned why no recordings had actually been carried out in the village itself referring to page 13 of the report that detailed the locations where monitoring had been carried out which were on Brickley Lane and Chalk Pit Lane. In response Mr Marten explained that he had walked around the entire village and had not heard noise disturbance.

Mr Brennan explained that he was a nurse and had to be up at 5.30am in the morning and if music was playing until midnight it would cause a severe disturbance. An advert had been placed on a website advertising the venue for music and festival events. (Mr Marten reiterated that he was unaware of the site). Mr Brennan stated that has a resident of Smithy Road he had never been consulted. He questioned Mr Marten as to his plans in relation to security arrangements for such events. Mr Marten, explained that beyond members of staff he had no plans for any additional arrangements but would be liaising closely with PESAG.

In conclusion, Mr Brennan stated that the application, if granted, would cause severe nuisance and asked the Sub-Committee to reject the application.

Questions to Mr Brennan

Applicant/Applicant's Advisor

In response to a question from Mr Byatt as to whether Mr Brennan had been at home on the evening of 21st April 2012, he confirmed that he not been at home as he was working the nightshift.

Responsible Authority – CS&NN

There were no questions for Mr Brennan.

Questions from Members of the Sub-Committee

There were no questions from Members of the Sub-Committee.

The Chairman adjourned the hearing (15.40pm) for a period of 10 mins.

7. SUMMING UP

7.1 Interested Parties

Mr Redwood, on behalf of all the interested parties, summed up his case and stated that although this was a new licence application, there was a huge amount of history associated with the premises. There had and would be noise disturbance experienced by many people. The Sub-Committee had heard that the main thrust of the representations related to noise disturbance. There had been very little time to assess the Event Noise Management Report which still was not a final document. Many doubts and questions had also been raised.

An increase in the number of cars would also raise safety issues, particularly as the school bus used the lane. Many local businesses would also be affected. 61 letters of objection to the application had been submitted.

Mr Redwood stated that there was no defence against music escaping from a marquee. The Human Rights Act was clear that people had a right to peace and quiet. It was also stated in the Police Reform and Social Responsibility Act and the Council's own Statement of Licensing Policy.

7.2 Responsible Authority

Mrs Garrod summed up her case and stated that her job was to prevent public nuisance and that residents had clearly been affected by noise disturbance. If Members were minded to grant the licence, it was vital that strict conditions were attached to the licence. Two events previously held had resulted in noise disturbance although it was acknowledged that there had been improvements made at the last event. The noise, however had increased as the evening went on. In practice the level of noise experienced at the beginning of the evening should be able to be maintained throughout the duration of the event. If permission was refused, the applicant could apply for TENs which would offer less control than if a premises licence was granted. The applicant had stated that he had no intention of putting on events lasting 7 days. In conclusion, Jo Garrod stated that she believed the licence should be granted with the conditions proposed by the CS&NN Team on page 31 – 32 of the Agenda. This would protect the amenity of the residents.

7.3 Applicant/Applicant's Advisor

Mr Byatt summed up his case, on behalf of the applicant, and stated that he was willing to restrict the number of events to a maximum of 12 per calendar year. He was willing to cease amplified regulated entertainment at 12 midnight and live music at 11pm, with a disco ceasing at 12 midnight. This would exclude any additional applications for TENs. The maximum number of events would be 21 days under the TEN system. Potentially the applicant may wish to hold events over multiply days, again, in line with the TEN system.

Mr Byatt thanked residents for their contribution and representations and explained that the applicant was well aware of resident's feelings. Mr Marten had no intention of causing disharmony but wanted to run a viable and sustainable business and in order to do this, he needed offer facilities to hold weddings and corporate events. He had no intention of holding raves and he would work closely with the CS&NN Team, other Responsible Authorities as was as the PESAG, of which the Borough Council was also a member.

In relation to traffic, Mr Byatt explained that the applicant recognised the challenge with Brickley Lane, however, it was a public right of way and number of other businesses used the lane. The applicant had acknowledged that there had been some problems with noise disturbance at previous events and that the event held in August 2010 had been a "disaster" and had had a negative impact on the community. Residents had received an apology and lessons had been learnt. The applicant had consulted a noise management consultant, which was a credible body and had introduced mechanisms to reduce the level of noise disturbance. This could be demonstrated and there was evidence in the report. There had been an opportunity for local residents to also gather evidence but this had not been forthcoming. The applicant wished to work with the local community.

Mr Marten addressed the Sub-Committee and stated that he also wished to extend his thanks to residents for attending and making representations. He reiterated that he had huge regrets in relation to the event held in August 2010, which had made him very nervous in relation to future events, however, he was committed to continue his business holding small scale events. In 2011, 2 weddings had been held indoors and in 2012, 3 weddings were being hosted and 1 small event. The proposals were only one element of his business, with his main business being in property rental. There may be a small number of larger scale events but these would be delivered so as not to cause disamenity or disturbance to local residents. In conclusion, Mr Marten stated that he took his responsibilities very seriously.

8. OUTSTANDING MATTERS

The Licensing Manager addressed the Sub-Committee and advised them they had to determine whether all the interested parties were considered to live or were involved in a business in the vicinity of the premises and to quantify this, they had to be directly effected by the proposals. He reiterated that the majority of the objections were in relation to prevention of public nuisance, however there was an element of public safety with concerns over traffic. It was for the Sub-Committee to determine what weight they attached to the issue of traffic and whether the licence was granted or not, traffic could still be able to use the road. The Licensing Manager advised that any conditions should be clear, proportionate and not ambiguous. He stated that there was obviously a lot of concern with the proposals

The Licensing Manager requested that having regard to the representation received, requested that the Licensing Sub-Committee consider the application, the report and take such steps as it considers necessary for the promotion of the licensing objectives. The steps were:

- a) To grant the licence under the terms and conditions applied;
- b) To grant the licence with additional conditions that the Sub-Committee considers necessary for the promotion of the licensing objectives;
- c) To reject all or part of the application.

He advised that if the Sub-Committee were minded to refuse the application or refuse certain aspects of the application (i.e. finishing times, licensable area), reasons must be given. They were also reminded that reasons for any decision must be given as all parties have a right of appeal against that decision to the Magistrates' Court.

The Legal Advisor addressed the Sub-Committee and explained that she was a neutral person at the hearing and the Sub-Committee would make its decision and then ask her to join them to assist them with their reasons. Its decision needed to be based on a view to promoting the 4 licensing objectives, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. It needed to consider both written and oral representations. The Legal Advisor referred to the large amount of documentation and evidence that had been heard but the Sub-Committee was advised to disregard anything which was not related to the promotion of the licensing objectives such as planning issues, highways issues, commercial interest and property devaluation. The main objections were in relation to public nuisance (noise disturbance). The Sub-Committee needed to give consideration to the Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 as well as Article 8 under the Human Rights Act which stipulated that a person had a right to a private life.

The Sub-Committee was reminded that the applicant had withdrawn the proposals to have mini-bars in the holiday cottages so these could be removed from the potentially licensed area. It was advised that they could grant the licence as applied for, grant it with conditions such as those proposed by the CS&NN or refuse all or part of the application. Any conditions must be necessary and proportionate and related to the licensing objectives.

The Chairman also took the opportunity to explain that once the Sub-Committee had made its decision, it would invite the Legal Advisor into the retiring room to give any legal advice on their reasons, however, she would announce what advice she had given on returning to the hearing.

9. REACHING A DECISION

The Sub-Committee retired to consider their decision in private, advised only by the Legal Advisor on specific points of law and procedure. On all parties returning to the room, at the request of the Chairman, the Legal Advisor stated that she had not offered any further legal advice.

10. PRELIMINARY DECISION

The Chairman read out the preliminary decision.

Decision

The Premises Licence be **granted** with **conditions**

That the licence be granted as applied for (as amended at the hearing to withdraw the mini-bars and the holiday cottages), with the following conditions:

- 1) Regulated entertainment outdoors, including regulated entertainment in a marquee, shall only take place for 5 consecutive hours in any 24 hour period, unless otherwise agreed in writing by the Community Safety Noise and Nuisance (CSNN) team, a minimum of 14 days before the regulated entertainment is to take place.
- 2) Regulated entertainment outdoors shall only take place on 12 separate days per annum, unless otherwise agreed in writing by the CSNN team, a minimum of 14 days before the regulated entertainment is to take place.
- 3) Regulated entertainment outdoors shall only take place between the hours of 09.00 to 23.00 on any day, unless otherwise agreed in writing by the CSNN team, a minimum of 14 days before the regulated entertainment is to take place.
- 4) Regulated entertainment outdoors shall only take place on two separate days per calendar month, unless otherwise agreed in writing by the CSNN team, a minimum of 14 days before the regulated entertainment is to take place.
- 5) A noise management plan must be agreed and submitted within 28 days of the grant of licence and shall be approved by the Licensing and CSNN team and shall be implemented as approved thereafter.

Reasons for Decision

The reason why we are imposing these conditions is to promote the licensing objective of preventing public nuisance.

We impose these conditions because:

Having listened to the persons objecting to the application both here today, and the letters in the bundle, there was significant noise experienced by the people who live and work in the village. The noise was described as “horrendous” and the applicant accepted mistakes were made. The more recent event this April generated less concern from the objectors and the applicant said improvements were made. However, we still heard that unwelcome noise was experienced. We also heard about the specific geographical location which can amplify the acoustics: sound travels because the valleys create a ‘bowl’ effect.

We also heard from the Community Safety and Neighbourhood Nuisance Officer who proposed conditions, which although will not stop noise completely, will reduce it to a reasonable level.

We consider the conditions imposed are necessary and proportionate to promote the licensing objective of the prevention of public nuisance. We have considered that by imposing these conditions as outlined it balances the needs of both the applicant and those living and working in the vicinity and promotes the licensing objectives.

We have only considered relevant representations from those in the accepted vicinity. We have disregarded any representations which do not relate to the licensing objectives.

In coming to our decision we have taken into account all the evidence, the Licensing Guidance and Policy and the Human Rights Act.

Some objectors raised concerns about what might happen if the licence were granted, such as driving under the influence and speeding. We do not find it necessary to add any further conditions under the other licensing objectives because we have no evidence to support the imposition of further conditions. In particular we have considered that the Police and other Responsible Authorities do not raise concerns relating to Crime and Disorder, Child Safety and Public Safety and other legislation may adequately cover concerns raised.

The licence is granted with the mandatory conditions, the conditions imposed by the Sub-Committee today and the condition offered in the operating schedule by the applicant as follows:

The West Norfolk Public Event Safety Advisory Group (PESAG) will be consulted as part of the planning process at least 28 days before an event when more than 500 persons (public and staff) are expected to attend.

There is a right of appeal against this decision to the Magistrates’ Court. An appeal must be commenced within 21 days beginning with the day on which you receive notification of the decision. You may wish to seek independent legal advice from a solicitor or the Citizens Advice Bureau regarding this.

Comments on the Decision

The Chairman requested comments on the preliminary decision from the Licensing Manager. The Licensing Manager explained that because of the complex nature of the decision, he was not in a position to make any comments at this stage.

The Chairman therefore confirmed the decision as follows:

11. CONFIRMED DECISION

Decision

The Premises Licence be granted with conditions

That the licence be granted as applied for (as amended at the hearing to withdraw the mini-bars and the holiday cottages), with the following conditions:

- 1) Regulated entertainment outdoors, including regulated entertainment in a marquee, shall only take place for 5 consecutive hours in any 24 hour period, unless otherwise agreed in writing by the Community Safety Noise and Nuisance (CSNN) team, a minimum of 14 days before the regulated entertainment is to take place.
- 2) Regulated entertainment outdoors shall only take place on 12 separate days per annum, unless otherwise agreed in writing by the CSNN team, a minimum of 14 days before the regulated entertainment is to take place.
- 3) Regulated entertainment outdoors shall only take place between the hours of 09.00 to 23.00 on any day, unless otherwise agreed in writing by the CSNN team, a minimum of 14 days before the regulated entertainment is to take place.
- 4) Regulated entertainment outdoors shall only take place on two separate days per calendar month, unless otherwise agreed in writing by the CSNN team, a minimum of 14 days before the regulated entertainment is to take place.
- 5) A noise management plan must be agreed and submitted within 28 days of the grant of licence and shall be approved by the Licensing and CSNN team and shall be implemented as approved thereafter.

Reasons for Decision

The reason why we are imposing these conditions is to promote the licensing objective of preventing public nuisance.

We impose these conditions because:

Having listened to the persons objecting to the application both here today, and the letters in the bundle, there was significant noise experienced by the people who live and work in the village. The noise was described as “horrendous” and the applicant accepted mistakes were made. The more recent event this April generated less concern from the objectors and the applicant said improvements were made. However, we still heard that unwelcome noise was experienced. We also heard about the specific geographical location which can amplify the acoustics: sound travels because the valleys create a ‘bowl’ effect.

We also heard from the Community Safety and Neighbourhood Nuisance Officer who proposed conditions, which although will not stop noise completely, will reduce it to a reasonable level.

We consider the conditions imposed are necessary and proportionate to promote the licensing objective of the prevention of public nuisance. We have considered that by imposing these conditions as outlined it balances the needs of both the applicant and those living and working in the vicinity and promotes the licensing objectives.

We have only considered relevant representations from those in the accepted vicinity. We have disregarded any representations which do not relate to the licensing objectives.

In coming to our decision we have taken into account all the evidence, the Licensing Guidance and Policy and the Human Rights Act.

Some objectors raised concerns about what might happen if the licence were granted, such as driving under the influence and speeding. We do not find it necessary to add any further conditions under the other licensing objectives because we have no evidence to support the imposition of further conditions. In particular we have considered that the Police and other Responsible Authorities do not raise concerns relating to Crime and Disorder, Child Safety and Public Safety and other legislation may adequately cover concerns raised.

The licence is granted with the mandatory conditions, the conditions imposed by the Sub-Committee today and the condition offered in the operating schedule by the applicant as follows:

The West Norfolk Public Event Safety Advisory Group (PESAG) will be consulted as part of the planning process at least 28 days before an event when more than 500 persons (public and staff) are expected to attend.

There is a right of appeal against this decision to the Magistrates’ Court. An appeal must be commenced within 21 days beginning with the day on which you receive notification of the decision. You may wish to seek independent legal advice from a solicitor or the Citizens Advice Bureau regarding this.

The Meeting closed at 6.27pm