

Public Protection Partnership
West Berkshire District Council
Market Street
Newbury
licensing@westberks.gov.uk

20th October 2023

Dear Sirs

Re New Premises License Application 22873- Awberry Farm Beenham

I live in Beenham and wish to object to the above application as it fails to promote the following key licensing objectives.

The protection of public nuisance

In section 7.1 of the Council's Statement of Licensing Policy 2018-2023 (and in the draft policy for 2023-2028), the Council confirms that "public nuisance "should be interpreted in its widest sense and includes noise, light, odour, litter and anti-social behaviour. *It includes low level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community.*

I wish to draw the Licensing Officers attention to the proximity of some 40 residential properties within 250m of the licensed premises, the closest being only 150m away. The Applicants statement in the Operating Schedule submitted with the application that the premises are "surrounded by undeveloped agricultural land" is misleading. The premises are in fact located in the heart of the village of Beenham as evidenced on the attached plan.

I would urge the Licensing officers to visit the premises in person to fully appreciate its position within a noise sensitive area and its proximity to many residential dwellings.

In clause 7.3 of the Licensing Policy, it states that the Licensing Authority should be satisfied that the activities proposed, and the hours of operation, should be suitable to the location. It provides that the playing of music can cause a nuisance though noise breakout and its effect on patrons which can lead them to being noisier when leaving the premises. Other major sources of noise are identified as being vehicles on the site and the slamming of car doors. It is noted within the Policy that noise can be particularly intrusive at night when the ambient noise levels are lower, and this is especially the case in the countryside when compared to an urban environment.

The use of the licensed premises as a major events/wedding venue between the hours of 12.00 and 23.00 on a number of Saturdays will clearly give rise to the potential for considerable public nuisance in the form of noise (arising from live and recorded music, speeches, raised voices , guest activity and vehicles arriving and leaving the site) and light pollution (light escaping from the barn, the lit car park and access areas and car headlights).

Section 7.5 of the Licensing Policy requires the applicant to satisfy the Authority that adequate measures are in place to:

- 1) Reduce noise and vibration escaping from the premises including noise from music and voices.

- 2) Control light to ensure it does not stray outside the boundary of the premises so as to give rise to problems to local residents.
- 3) Control nuisance that might be associated with the use of external areas.

The applicants operating schedule annexes a noise management plan (NMP) which was submitted in support of his change of use planning application and this appears to be the only document submitted to show that adequate measures have, or will be, taken to satisfy the requirements within the section.

The events will be held in a listed barn situated in a small rural village, and whilst noise mitigation measures and wall insulation are proposed, given the fabric of the existing building and the use of outside areas such as the courtyard and parking area, it is inevitable that considerable noise will be experienced by the nearby properties.

I suggest that the NMP is totally inadequate and in particular would ask the Licensing officers to consider whether the following provisions within the same are realistic:

- 1) The suggestion that guests will not want to use the external courtyard area after 22.00 and will all be prepared to move into an internal area (especially on a hot summers evening)
- 2) The assumption that guests staying in the 8 ensuite bedrooms on the premises will not be noisy after other guests vacate at 23.00.
- 3) The assumption that there will be no noise disturbance from guests entering or existing the internal areas or from open windows (there is no planning requirement for doors and windows to remain closed)
- 4) The fact that the prescribed level of any noise limiting device has not yet been agreed (the applicant suggested in his noise impact assessment that the external noise level would be 35db which is equivalent to a library or quiet classroom – a claim which is surely unrealistic when live or recorded music is to be played until 23.00 ?)
- 5) The reliance by the applicant that the presence of the 2 site owners at each event will be sufficient to ensure full implementation and compliance with the NMP (it is unlikely that they would wish to jeopardise the future commercial viability of the venue by upsetting guests nor be in a position to control 120 patrons)

With up to 120 guests and 70 vehicles attending each event on 28 Saturdays a year (presumably mainly over the Summer months), it is hard to envisage how there could not be a public nuisance to those residents trying to relax at home at the weekend, enjoy their gardens or sleep with their windows open, or to those members of the public who wish to peacefully enjoy use of the public footpath which adjoins the boundary of the licensed premises.

Public Safety

In section M of the operating schedule, the applicant states vaguely that “a sufficient number of people will be employed to secure the safety of the premises and its clientele” but there is no comment as to what constitutes a sufficient number or what qualifications these people will have. In his planning application, the applicant emphasised that he would recruit young casual employees from the local community who would not need transport to the venue.

I am concerned that a young inexperienced workforce would lack the ability to properly ensure the safety of the premises from damage caused by guests or prevent or control arguments between guests.

More importantly, they would lack the authority or experience to enforce compliance with the NMP or prevent any noisy, anti-social or abusive behaviour.

On a separate issue concerning Public Safety, this objective seems to include visiting the premises, so I would mention in passing the concerns expressed by the Highways Officer as to inadequate sight lines at the entrance to the premises and the risk to patrons, local residents, parked vehicles on the highway, cyclists, horse riders and other road users of an accident or collision as a result of the increased traffic on Beenham's narrow unlit roads on an event day.

In conclusion, I trust that in accordance with section 2.4 of the Licensing Policy, that the Authority will *focus on the direct impact of the proposed activities on those members of the public living, working or engaged in normal activity in the area* and conclude that on balance the nuisance and safety risk occasioned to those local residents and the negative impact on their quality of life and normal enjoyment of their properties, outweighs the objectives of the applicant and that you will therefore refuse this licensing application.

Yours sincerely

A blacked-out rectangular area, likely redacting a signature or name.

