



## PREMISES / PERSONAL LICENCES SUB-COMMITTEE

<b>DATE:</b>	<b>Thursday, 7 November 2019</b>
<b>TIME:</b>	<b>12.30 pm</b>
<b>VENUE:</b>	<b>Council Chamber - Council Offices, Thorpe Road, Weeley, CO16 9AJ</b>

**MEMBERSHIP:**

**Councillor V Guglielmi  
Councillor J Henderson**

**Councillor Winfield  
Councillor Davis (Stand-by  
Member)**

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**Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.**

**For further details and general enquiries about this meeting, contact Debbie Bunce on 01255 686573**

DATE OF PUBLICATION: Wednesday 30 October 2019

## AGENDA

### **1 Election of Chairman for the Meeting**

The Sub-Committee will elect its Chairman for the meeting.

### **2 Apologies for Absence and Substitutions**

The Committee is asked to note any apologies for absence and substitutions received from Members.

### **3 Minutes of the Last Meeting (Pages 1 - 6)**

To confirm and sign as a correct record, the minutes of the last meeting of the Sub-Committee, held on Thursday 30 May 2019.

### **4 Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

### **5 Questions on Notice pursuant to Council Procedure Rule 38**

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

### **6 Report of Corporate Director (Operational Services) - A.1 - Application for the Variation of a Premises Licence - 19/0020/PREMTR - The Plough Inn, Plough Road, Great Bentley, CO7 8LA (Pages 7 - 134)**

The Sub-Committee will determine an application for the variation of a Premises Licence held in respect of the above premises.

## **Information for Visitors**

### **FIRE EVACUATION PROCEDURE**

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.



**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,  
HELD ON THURSDAY, 30TH MAY, 2019 AT 10.00 AM  
IN THE CONNAUGHT ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors Winfield, J Henderson and Casey
<b>Also Present:</b>	Councillors Knowles and Overton
<b>In Attendance:</b>	Emma King (Licensing Officer), Michael Cook (Licensing Assistant), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer) and Debbie Bunce (Legal and Governance Administration Officer)

**38. CHAIRMAN FOR THE MEETING**

It was moved by Councillor Henderson, seconded by Councillor Casey and:

**RESOLVED** – That Councillor Winfield be elected Chairman for the meeting.

**39. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or substitutions.

**40. MINUTES OF THE LAST MEETING**

The minutes of the meeting of the Premises/Personal Licences Sub-Committee held on 2 April 2019 were approved as a correct record and signed by the Chairman.

**41. DECLARATIONS OF INTEREST**

There were none.

**42. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37**

There were none.

**43. REPORT OF THE CORPORATE DIRECTOR (OPERATIONAL SERVICES) - 5TH AVENUE, 2-4 ORWELL ROAD, CLACTON-ON-SEA, ESSEX CO15 1PR**

The Chairman (Councillor Winfield) welcomed everyone to the meeting and made introductory remarks.

The Council's Licensing Officer (Emma King) then advised the Sub-Committee of some amendments to the Report in that the premises were incorrectly described as an off licence/convenience store but were in fact a bar and hotel and also that under the Current Licensable Activities the activity for Performance of Live Music had been omitted from the report. There was also an amendment to the Provision of Facilities for

Dancing as this did not include Mondays to Wednesdays. The Licensing Officer then gave a verbal summary of the written report and advised that the Sub-Committee had before it, for its consideration, as set out in Item A.1 of the Report of the Corporate Director (Operational Services), an application for the variation of a Premises Licence for 5<sup>th</sup> Avenue, 2-4 Orwell Road, Clacton-on-Sea.

Section 2.2 of the written report set out the proposed opening hours for the premises which were:-

<b>Monday to Wednesday</b>	<b>10:00 - 00:30</b>
<b>Thursday to Saturday</b>	<b>10:00 - 02:30</b>
<b>Sunday</b>	<b>10:00 - 00:30</b>

Section 3.0 of the written report set out the current licensable activities which were:-

**Sale of Alcohol on and off the premises**

Monday to Wednesday	10:00 - 00:00
Thursday to Saturday	10:00 - 02:00
Sunday	10:00 - 00:00

**Provision of facilities for dancing**

Thursday to Saturday	18:00 - 02:00
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**Performance of Recorded Music**

Monday to Wednesday	10:00 - 00:00
Thursday to Saturday	10:00 - 02:00
Sunday	10:00 - 00:00

**Performance of Live Music**

Thursday to Saturday	18:00 - 00:00
Sunday	12:00 - 00:00

**Late Night Refreshment**

Monday to Sunday	23:00 - 02:00
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Section 4.0 set out the proposed licensable activities (variation application) as

**4.1 Performance of Live Music – outside**

Saturday and Sunday – 13:00 to 20:00

And

**4.2 Performance of Recorded Music – outside**

Saturday and Sunday – 13:00 to 20:00 hours

The applicant had stated the steps that they proposed to take to promote the statutory Licensing Objectives within the Operating Schedule and those steps were detailed in Sections 5.1 to 5.4 inclusive.

Members were further informed that one letter of representation/objection had been received from a resident in relation to this application.

It was reported that Essex Police has been consulted and submitted a representation on the grounds of noise disturbance. However, this has not been upheld by the Licensing Authority due to the noise management plan that was submitted to Environmental Control; with which they were satisfied.

The Council's Planning Authority had been consulted and no comments had been received.

The Sub-Committee had before it for its information the relevant extracts from the Council's Statement of Licensing Policy in respect of planning considerations and the statutory 'Prevention of Public Nuisance' Licensing Objective.

Members also had before them for their assistance relevant paragraphs from the Home Office's Section 182 Guidance that accompanied the Licensing Act 2003 in respect of the following –

- (1) Prevention of Public Nuisance
- (2) Prevention of Crime and Disorder
- (3) Hours of Trading

The Members also had before them the Application Form and supporting documentation, a location plan and copies of the representation/objection letter.

The Chairman invited the Applicant, Ms Carol Pickett to give representations to the Sub-Committee.

Ms Pickett stated that the request to play music/karaoke on the outside seating area would be weather permitting. Ms Pickett was asked whether there would be excessive noise from customers leaving the premises, considering that the Care Home was opposite the premises. Ms Pickett said that as the premises were already operating then there would only be the same level of noise as at present and that people already sit in the outside seating area.

Ms Pickett was asked how big the outside seating area was and she stated that it was big enough to fit approximately 30 people. She stated that although her current licence allowed her to remain open until 2.00 a.m. she was never open beyond 1.00 a.m. even on a Saturday.

She said that other pubs in Clacton have outside karaoke. She wants to work with the community and not cause any problems. The outside music would be dependent upon the weather and so would probably not be many times a year. The outside music would be between the hours of 1.00 p.m. and 8.00 p.m. She stated that one public house nearby has outside speakers.

The Licensing Officer was asked to confirm what licences premises in the vicinity had. The Licensing Officer confirmed that Bentleys had outside music at the following times:-

**Performance of Live Music**

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Friday and Saturday	19:00 - 00:00
Sunday	15:00 – 22:00

**Performance of Recorded Music**

Monday to Thursday	12:00 - 00:00
Friday and Saturday	12:00 - 02:30
Sunday	12:00 – 22:00

The Kassaba did not have outside music and the times were:

**Performance of Live Music**

Monday to Wednesday	11:00 - 01:00
Thursday to Saturday	11:00 - 02:00
Sunday	11:00 - 01:00

**Performance of Recorded Music**

Monday to Wednesday	11:00 - 01:00
Thursday to Saturday	11:00 - 02:00
Sunday	11:00 – 01:00

Ms Pickett stated that all she wanted was to be able to provide music outside during the Summer months and she confirmed that she would not be having music outdoors during the Winter months. Her doors were not open all the time at present.

The Chairman invited the Objector, Mr Milliken to give representations to the Sub-Committee.

Mr Milliken then addressed the Sub-Committee. He explained that he was the Chief Operating Officer for the Care Home and was here today as the Manager of the Care Home was currently on holiday. He confirmed that he had worked with the Manager to produce the objection letter.

He explained that he visited the home once or twice a week, and had done so over the last 2 years. He said that what the applicant had described was slightly different to his understanding. He stated that he had seen the patio doors at the premises open and there was a speaker on a stand facing outside. The music going outside was quite loud. He had visited the care home at 7.30 p.m. and the music was loud at that time.

He said that he had only seen 10-15 people in the outside seating area when he visited.

The Sub-Committee asked Mr Milliken whether the care home was affected by music from Bentleys which was around the corner and he stated that it was not.

Mr Milliken explained that the home is a nursing home accommodating 48 residents, although at the present time there were 42. Most residents were placed there by the County Council. He had noticed over the last couple of years that 60-70% of residents are at the end of life stage, and that the home was almost a hospice. He said that he was concerned that in their final days the residents had the additional noise of loud music and he said that was very sad.

Mr Milliken explained that he understood that 5<sup>th</sup> Avenue were in competition with other businesses but that the care home were in the same position. Residents families do have a choice where their relatives go and if when choosing a home they hear loud music it could damage their reputation.

Mr Milliken said that he welcomed the Noise Management Plan but felt that it lacked detail and wanted to know how noise would be managed and he would like to know more about the plan.

Ms Pickett said that visitors to the care home do visit 5<sup>th</sup> Avenue.

Mr Milliken was asked how long the care home had been open and he said that it has been run by the current owners for two years who took it on after the home went bust but that it had been there for many years.

Mr Milliken was asked whether the residents went out much and he said that at the end of life stage they did not go out very often and if they did their families usually took them out.

Mr Milliken was asked whether the care home had a garden and he said that they only had an outside space at the front of the property, which was not directly opposite the premises.

The Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer then withdrew from the meeting in order for the Sub-Committee to consider the application and reach a decision.

The Chairman of the Sub-Committee then read out the following decision:

“Application No. 19/00218/PREMVA – Application for the Variation of a Premises Licence in respect of 5<sup>th</sup> Avenue, 2-4 Orwell Road, Clacton-on-Sea, Essex.

1. The Sub-Committee has given careful consideration to this application. In reaching our decision, we have taken into account the views expressed by the applicant, the representations received from residents, along with the Guidance issued by the Secretary of State and other matters set out in the Licensing Authority's own Statement of Licensing Policy.
2. The decision of the Sub-Committee is to **GRANT** this application, subject to the imposition of certain conditions.
3. In addition to any Mandatory Conditions and any conditions that are consistent with the Operating Schedule the following conditions will apply in order to satisfy the relevant Licensing Objective.

In respect of the Licensing Objective for The Prevention of Crime and Disorder, that any drinking or other outside crockery used or taken outside to be plastic in order to minimise the risk of harm to anyone.

In respect of the Licensing Objective for The Prevention of Public Nuisance, that live or recorded music outside the building be permitted between:

1 May and 30 September annually and the hours of 1400 to 2000 hours on Saturdays and Sundays only and as asked for.

The Committee have noted the concerns of the objector in relation to noise and that the police made representations although not upheld by the Licensing Officer because the Applicant submitted a Noise Management Plan to the Council. The Committee would like the Noise Management Plan to be reviewed by the Council's Environmental Health (Noise Specialist Officer), together with the Applicant and the Licensing Officer to make the terms clear for all parties and enable monitoring and enforcement.

Such review and finalisation of the Noise Management Plan to be completed by the end of July 2019.

Finally, I must mention that all parties who are aggrieved at the decision of the Sub-Committee have a right of appeal to the Magistrates' Court.

This decision was made today, 30 May 2019 and will be confirmed in writing to all parties."

Please ensure that during office hours any complaints are made to the Environmental Department, and outside of office hours to Careline.

The meeting was declared closed at 11.22 am

**Chairman**

## TENDRING DISTRICT COUNCIL

### Procedure for hearings – Premises/Personal Licences Sub-Committee

#### Licensing Act 2003 and Hearing Regulations 2005

#### The Licensing Committee officers and their roles

- The Committee Clerk (Democratic Services Officer) records the proceedings;
- The Legal Advisor provides independent advice to the Committee Members on legal matters; and
- The Licensing Officer introduces the matter, outlines the application or review as set out in the Report, and answers any questions Members may have.

#### Committee Members (Councillors):

Members have a responsibility to declare interests, those who declare **Discloseable Pecuniary Interest (DPI)** as defined by The Relevant Authorities (DPI) Regulations 2012 must not take part in the hearing of the application.

If a Member declares a **Pecuniary or Non-Pecuniary Interests**, as defined by Tendring District Council's Members' Code of Conduct (paragraphs 5 and 6), they must consider the impact of that interest on participation and the public perception;

- Matters for Members to consider would cover, but not exclusively:
  - o they know the applicant or any of the objectors; or
  - o they wish either to support or oppose the granting or continuation of a licence either personally or on behalf of their constituents.
  - o whether they have expressed a view on the application site especially, if situated either in their ward or an adjacent ward;

#### Other Persons or Interested Parties:

This is the term given to an individual, body or business or a representative acting on their behalf-that raises an objection or make a representation to an application for a premises/personal licence. It should be noted that only the Police can make a representation against a Personal Licence application however. These other persons or interested parties are separate to Responsible Authorities, who may also be a party to the hearing.

#### PROCEDURE

**THESE SUB-COMMITTEES MEETINGS & THE HEARING ARE HELD IN PUBLIC, UNLESS THERE IS A LEGAL REASON NOT TO DO SO, HOWEVER THESE ARE IN LIMITED CIRCUMSTANCES.**

**Note:** if the Sub-committee does not have an elected Chairman already, the election of one Member as Chairman will be the first item of business.

### HEARING

Step	By whom	
1	Chairman	<p>The Chairman will welcome everyone to the meeting then:</p> <ul style="list-style-type: none"> <li>a. introduce themselves and the other 2 members and explain that the 4<sup>th</sup> member (substitute) will not take any part in the hearing or decision making process unless there is a valid objection to one of the other members sitting, if any interest declared debars a member or a member falls ill;</li> <li>b. announce the item to be considered;</li> <li>c. confirm that this procedure will be followed at the hearing, including any maximum periods of time for each side to put their case or objections (*);</li> <li>d. ask all parties, including any "Responsible Authority", to introduce themselves indicating whether or not they are represented, if they are calling any witnesses and if so to identify the witnesses they will be calling. Where there are a number of objectors they will be asked to confirm who their spokesperson is if it is relevant or appropriate for them to do so.</li> <li>e. if a party or Responsible Authority who has made relevant representations is not present, the Sub-Committee will decide whether they consider it in the public interest to (a) continue with the hearing or (b) defer it to enable the party or authority to attend. In reaching a decision on this point, the Sub-Committee will consider any information received from the party either directly or via the Licensing Officer or any other interested person/party where relevant or appropriate;</li> <li>f. remind all present that the Sub-Committee can only make its decision based on the four licensing objectives, namely: <ul style="list-style-type: none"> <li><b>(1) prevention of crime and disorder,</b></li> <li><b>(2) public safety,</b></li> <li><b>(3) prevention of public nuisance and</b></li> <li><b>(4) protection of children from harm.</b></li> </ul> </li> </ul>



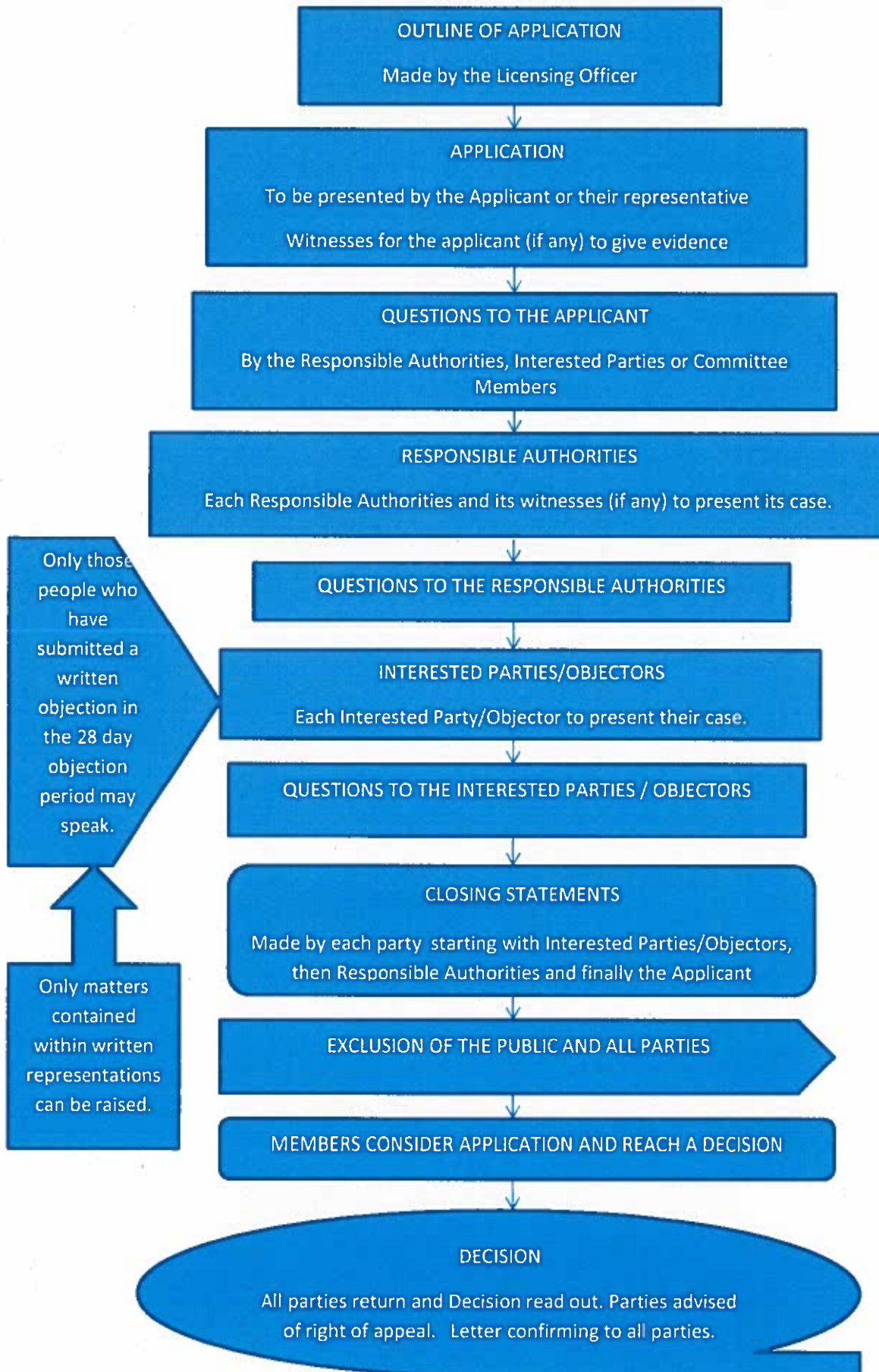
2	<b>Licensing Officer</b>	Will introduce the application or review, highlighting areas of contention or dispute.
3	<b>Committee members</b>	May ask questions of the Licensing Officer.
<p><b>The Applicant's case</b></p> <p>(If a person or party requests a review of an existing licence, they would in effect be the Applicant for the review. In those circumstances they would present their case following the summary given by the Licensing Officer)</p>		
4	<b>Applicant or their representative</b>	Will present their case and call witnesses.
5	<b>Responsible authorities or Interested Parties</b>	Each, in turn, may ask questions of the Applicant by way of clarification.
6	<b>Committee members</b>	In turn, each may ask questions of the Applicant.
7	<b>Applicant</b>	May ask any further questions of any witnesses to clear up any points raised in the earlier questioning.
<p><b>The Responsible Authorities and/or Interested Parties</b></p>		
8	<b>Responsible Authorities</b>	Will make their representations to the Sub-Committee.
9	<b>Applicant or their representative</b>	May ask questions of the Responsible Authorities by way of clarification.
10	<b>Other persons</b>	May ask questions of the Responsible Authorities or Licensing Officer by way of clarification. Note: this is not the time for other persons to put their objections.
11	<b>Committee Members</b>	May ask questions of the Responsible Authorities by way of clarification. Committee can also ask questions of the objectors by way of clarification.
12	<b>Interested Parties</b>	At this point those who have objected to the application will be asked to present their objections and make observations on the application if appropriate.

13	<b>Applicant or their representative</b>	May ask questions of the Interested Parties /objectors by way of clarification.
14	<b>Committee members</b>	May ask questions of the Interested Parties /objectors.
<b>Closing statements or summary</b>		
15	<b>Chairman</b>	<p>Will ask:</p> <ul style="list-style-type: none"> <li>a. both the Responsible Authorities and Interested Parties /objectors to comment, briefly, on the application or review and summarise their position. No new issues can be raised at this point.</li> <li>b. the applicant or their representative to summarise the application or review and briefly comment on the representations or objections made.</li> <li>c. if everyone is satisfied that they have said what they wanted to say, but making clear that no new issues can be raised at this point.</li> </ul>
<b>DECISION MAKING</b>		
16	<b>Sub-Committee</b>	Will retire to consider the application or review and may request the Legal Advisor and/or Committee Clerk to retire with them.
<b>RESUMING THE MEETING AND CONCLUSION</b>		
17	<b>Legal Advisor</b>	If legal advice has been given to the Members whilst in retirement, this advice will be summarised and repeated in the presence of all parties.
18	<b>Chairman</b>	<p>Will:</p> <ul style="list-style-type: none"> <li>a. announce the decision made by the sub-committee and the reasons for that decision;</li> <li>b. advise that the decision, and reasons, will be confirmed in writing to all the parties who made representations; and</li> <li>c. advise all parties of their rights of appeal to the Magistrates' Court.</li> </ul>

**(\*) after receiving copies of this procedure, all parties are requested to give the Council's Licensing Department an indication of the time estimated to present their case. This will be taken into consideration when deciding whether maximum periods of time will be necessary.**

TENDRING DISTRICT COUNCIL

THE LICENSING SUB-COMMITTEE HEARINGS PROCEDURE



## PREMISES/PERSONAL LICENCES SUB-COMMITTEE

07 November 2019

### REPORT OF CORPORATE DIRECTOR [OPERATIONAL SERVICES]

#### LICENSING ACT 2003

Members are respectfully reminded that, in determining the matters listed under item A.1, they are exercising an administrative function but should determine each matter adopting the civil burden of proof, i.e. 'on the balance of probabilities'. The matters will be determined on the facts before the Sub-Committee and the rules of natural justice will apply. Each application must be considered in its own right and on its own merits.

#### Premises Licence Applications

The Licensing Act 2003 established a single integrated scheme for licensing premises that are used for the supply of alcohol, regulated entertainment or provision of late night refreshment. This system of licensing incorporates the sale of alcohol both on and off licensed premises; public entertainment such as music, dancing, indoor sporting events, boxing or wrestling, theatres, cinemas; and late night refreshment houses and take-aways.

The purpose of the licensing system is to positively promote the four 'licensing objectives'.

These are:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- Public Safety
- The Protection of Children from Harm.

The options open to the Sub-Committee when considering this application are:

1. To grant the application for a premises licence subject to such conditions that are consistent with the operating schedule accompanying the application and any mandatory conditions applicable.
2. To grant the application for the premises licence subject to such conditions as are consistent with the operating schedule accompanying the application and which are modified to such an extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, and any mandatory conditions applicable.
3. To grant the licence as above, but to exclude from the scope of the premises licence any of the licensable activities to which the application relates.
4. To reject the application

When determining the application with a view to promoting the licensing objectives in the overall interests of the local community the Licensing Authority in the form of the Licensing Sub-Committee must have regard and give appropriate weight to the following:

- Full Hearing Procedure for Applications for Premises Licences/Club Premises Certificates where representations have been received.
- Tendring District Council's Statement of Licensing Policy.
- The Statutory Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- The steps appropriate to positively promote the four 'Licensing Objectives'.
- Representations (including supporting information) presented by all the parties.

## **Human Rights Implications**

A Licence is to be regarded as the property of the applicant; however their right to the use of the property must be balanced against all other public interests or representations in this matter that the Premises/Personal Licences Sub-Committee may wish to consider as appropriate, reasonable and proportionate in relation to the application that has been submitted and also the representation/s that has/have been received against it.

In making their decision as to whether to grant this application, Members of the Premises/Personal Licences Sub-Committee should also take into consideration Article 1 of the First Protocol of the Human Rights Act 1998, that individuals are entitled to the peaceful enjoyment of their property, and also Article 8 that everyone has the right to respect for his private and family life and his correspondence.

## **Crime and Disorder Implications**

Section 17 of the Crime and Disorder Act 1998 imposes a duty on local authorities when exercising any of their functions to have due regard to the likely effect of the exercise of those functions on, and the need to do all it possibly can to prevent, crime and disorder in its area.

Members are requested to consider the information shown below where the Licensing Authority has received a representation about an application which is relevant to one or more of the four licensing objectives, and which suggests that the application may have a negative impact on one or more of the licensing objectives.

### **A.1 LICENSING ACT 2003 – APPLICATION NO: 19/00523/PREMVA APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - THE PLOUGH, PLOUGH ROAD, GREAT BENTLEY, COLCHESTER, ESSEX, CO7 8LA**

#### **1.0 APPLICATION DETAILS**

##### **1.1 Applicants**

Mr Deepak Patel

##### **1.2 Premises**

Plough Inn, Plough Road, Great Bentley, Colchester, Essex, CO7 8LA

##### **1.3 Agents**

None

##### **1.4 Ward**

The Bentleys and Frating

##### **1.5 Reason for Application**

The application is made under the Licensing Act 2003 for the variation of a Premises Licence to include car park and rear garden and for live music from 1400 hrs until midnight on Friday and Saturday, and from 1400 hrs until 2100 hrs on Sunday.

#### **2.0 GENERAL DESCRIPTION OF PREMISES**

2.1 No description supplied by the applicant.

#### **2.2 OPENING HOURS**

Monday to Thursday	1000 – 0030
Fridays and Saturdays	1000 – 0130
Sunday	1000 – 0030

### **3.0 CURRENT LICENSABLE ACTIVITIES**

#### **Sale of alcohol on and off the premises**

##### **Performance of live music**

Fridays and Saturdays 2000 – 2300

##### **Performance of recorded music**

Monday to Thursday 1000 – 0000

Fridays and Saturdays 1000 – 0100

Sunday 1200 – 0000

##### **Provision of facilities for dancing**

Fridays and Saturdays 2000 – 0000

#### **Sale of alcohol on and off the premises**

Monday to Thursday and Sunday 1000 – 0000

Fridays and Saturdays 1000 – 0100

### **PROPOSED LICENSABLE ACTIVITIES (VARIATION APPLICATION)**

##### **Performance of live music [inside and outside]**

Friday and Saturday 1400 – 0000

Sunday 1400 - 2100

### **4.0 STEPS THAT APPLICANTS PROPOSE TO TAKE TO PROMOTE THE LICENSING OBJECTIVES WITHIN THEIR OPERATING SCHEDULE**

The applicant has stated the following steps in the application to promote the licensing objectives. These measures are reproduced as shown in the application form and are detailed below for ease of reference. These are:

#### **4.1 Crime and Disorder**

CCTV with recording facilities, images available on request.

Spirits located behind counter.

Staff trained on sale of alcohol, training records available for inspection by Police or other relevant authorities.

#### **4.2 Public Safety**

CCTV with recording facilities, images available on request to relevant authorities.

#### **4.3 Prevention of Public Nuisance**

Staff training with regards to the sale of alcohol with refresher training.

Training records available for inspection.

#### **4.4 Protection of Children from Harm**

Challenge 25 policy operated at the premises, forms of identification accepted, passport, driving licence and pass accredited ID card.

Spirits located behind counter.

Refusal log maintained.

#### **4.5 General Information in support of the application in relation to all of the licensing objectives.**

CCTV with recording facilities operating at premises at all times.  
Staff training, sale of alcohol, training records maintained, refusal log.  
Challenge 25 policy operated.

Attached to this report for the information of Members of the Licensing Sub-Committee and all other relevant and interested parties to this hearing, is a copy of the applicant's bundle which includes statements from the applicants, events for entertainment for 2019, noise impact assessment, noise management plan and letters from the public supporting the application.

#### **5.0 RELEVANT REPRESENTATIONS**

##### **5.1 Interested Parties/Other Persons**

**5.2** The Police Reform and Social Responsibility Act 2011 (PRSR Act 2011) removed from the Licensing Act 2003 the specific reference for representations to be made by 'interested parties' and also removed the requirement that representations could only be accepted from persons living in the 'vicinity' of the premises concerned, or who had for example, a business in the 'vicinity' of the premises.

**5.3** There was no guidance or definition of 'vicinity' within the Licensing Act 2003 which effectively had a limiting effect on those that could make relevant representations.

**5.4** The PRSR Act 2011 replaced the references to 'interested parties' and 'vicinity' and substituted that representations can be made and accepted by the Licensing Authority from 'other persons' which means that those persons do not necessarily have to live or run a business for example in the proximity of the premises to be able to submit a valid and relevant representation.

**5.5** The relevant extracts from the Section 182 Guidance that accompanies the Licensing Act 2003 advises the following in relation to 'other persons'. They are shown in italics for ease of reference.

*8.12 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises.*

**5.6** Representations can be made either against or in support of an application. The relevant extracts from the Section 182 Guidance that accompanies the Licensing Act 2003 advises the following in relation to this point.

*9.3 Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.*

**5.7** 11 letters of representations/objections have been received from residents, including the Great Bentley Parish Council, in relation to this application.

#### **6.0 RESPONSIBLE AUTHORITIES**

The Council's Environmental Protection Team has been consulted and requested a Noise Management Plan (NMP) be submitted to them by the applicant. Upon receipt and review of the NMP, the Environmental Protection Team has formally objected to the variation application with the following comments:



*The NMP submitted to this Team on 19<sup>th</sup> September 2019, does not provide adequate Information in relation to how they are going to manage the noise of the music they are proposing for the external and internal areas. The information is required to ensure the noise is managed to an extent that the neighbouring properties are not going to be adversely affected by noise.*

*The included site plan shows the nearest noise sensitive buildings, but the distance measurements included in the NMP, are in conflict to that of our own mapping systems. The Plough shares a boundary with 2 residential buildings – Rambler Cottage to the east and Coasters to the North East, with several residential properties located to the south of the site also. The distance measurements in relation to noise are measured to and from the boundary, so the indicated distances on the submitted NMP will need to be confirmed.*

*Information pertaining to the type of equipment being utilised in relation to recorded music and positioning of speakers were absent. In addition no information has been supplied concerning the equipment and positioning of the live performances. The information is necessary to be able to ascertain the noise distribution. Mention of a sound limiter was within the NMP, however no levels were given.*

*It is noted that the intention is to cease the playing of live music at 1900 and implied this activity would only take place during ‘seasonal activities’ – can this be elaborated on? Another note was that the beer garden would not be in use past the time of 2100 or dusk – can this be confirmed as to how this will be managed. Will this activity result in patrons using the front area of the premises, adjacent to the residential premises known as Rambler cottage? Confirmation on these points is required.*

*The issue over ‘thermal comfort’ is on that also required addressing – the NMP states that all windows and doors will be closed during operation of the venue, but also states there is no air conditioning installed at the site so as to minimise any potential noise to nearby residents – however this statement by its very nature implies that the opening of doors and windows during the performance or playing of amplified sounds, would likely adversely impact the nearby residents by potentially causing a nuisance resulting in the failure to promote the Licensing Objective.*

*In addition to the above, this Service is also aware of several complaints from local residents concerning an alleged noise nuisance emanating from the activities at The Plough.*

*Unfortunately the NMP is unable to evidence to the Environmental Protection Team that the noise from music is able to be managed, we therefore have no option but to formally object to this application based on the likelihood that the proposed activity will cause a nuisance to surrounding residential properties under Part P(d) and the licensing objective of The Prevention of Public Nuisance.*

No representations have been received from any other Responsible Authorities.

## **7.0 POLICY CONSIDERATIONS**

The Licensing Authority’s Statement of Licensing Policy expects applicants to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance relevant to the individual style and characteristics of their premises.

- 7.1** The relevant extracts from the Council’s Statement of Licensing Policy in respect of Planning considerations (shown in italics) and also the ‘Prevention of Public Nuisance’ licensing objective are as follows:

- 1.20 *When the Licensing Authority is considering any application, it will avoid duplication with other regulatory regimes, so far as possible, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation. In particular, its licensing functions will be discharged separately from the Authority's functions as the local planning authority. **However, applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned.** (Other permissions may be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where necessary.)*

## **5.0 PREVENTION OF PUBLIC NUISANCE**

- 5.1 Licensed premises have a significant potential to impact adversely on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 5.2 The Licensing Authority intends to interpret “public nuisance” in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 5.3 Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures planned to prevent public nuisance, may be suitable for 24-hour opening.
- 5.4 In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons relating to disturbance or disorder.
- 5.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

## **8.0 RELEVANT SECTION 182 GUIDANCE – PREVENTION OF PUBLIC NUISANCE**

- 8.1 The following sections shown below in italics are taken from the Home Office Section 182 Guidance that accompanies the Licensing Act 2003 and are included for the assistance of the Licensing Sub Committee, the applicant, responsible authorities, residents and any other interested parties to this hearing. They do not however form the totality of the guidance in relation to this licensing objective which should also be considered in its entirety. These are:
- 2.18 *The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.*

2.19 *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 other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.*

## **9.0 RELEVANT SECTION 182 GUIDANCE- PREVENTION OF CRIME AND DISORDER**

9.1 The following section shown below in italics is taken from the Home Office Section 182 Guidance that accompanies the Licensing Act 2003 and is included for the assistance of the Licensing Sub Committee, the applicant, responsible authorities, residents and any other interested parties to this hearing. They do not however form the totality of the guidance in relation to this licensing objective which should also be considered in its entirety. This is:

*2.1 Licensing Authorities should look to the police as the main source of advice on crime and disorder.*

## **10.0 RELEVANT SECTION 182 GUIDANCE –PLANNING AND BUILDING CONTROL**

10.1 The following section shown below in italics is taken from the Home Office Section 182 Guidance that accompanies the Licensing Act 2003 and is included for the assistance of the Licensing Sub Committee, the applicant, responsible authorities, residents and any other interested parties to this hearing.

*13.56 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.*

*13.57 There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.*

## **11.0 ASSOCIATED PAPERS**

The following papers are attached as part of this agenda for Members of this Sub-Committee only:-

- (i) Application form and any supporting documentation.
- (ii) Location Plan.
- (iii) Representation/objection letters
- (iv) Applicant's Bundle

Copies of all documentation concerning this application are also available from Licensing Section upon request.

**12.0 DECISION**

- 12.1** Each application must be considered in its own right and on its own merits only as to how it might impact on the four licensing objectives which are the Prevention of Crime and Disorder, the Prevention of Public Nuisance, Public Safety and the Protection of Children from Harm.
- 12.2** The Licensing Sub Committee is therefore asked to determine this application taking into consideration the application in its own right and on its own merits and also all of the relevant information that has been submitted as part of this report and at the hearing itself.

**PAUL PRICE**  
**CORPORATE DIRECTOR [OPERATIONAL SERVICES]**

TENDRING DISTRICT COUNCIL

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I / We DEEPAK PATEL....., being the premises  
(Insert name(s) of applicant)

licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

19/00020/PREMTR

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference, or description	
THE PLOUGH PLOUGH ROAD GREAT BENTLEY	
Post town	Post code
COLCHESTER	CO7 8LA

Telephone number at premises (if any)

01206 255 242

Non-domestic rateable value of premises

£ 0.00

Part 2 – Applicant Details

Daytime contact telephone number

01255 255 242

E-mail address (optional)

accounts@deesgroup.co.uk

Current address if different from premises address

[Empty box for current address]

Post Town

[Empty box for Post Town]

Post Code

[Empty box for Post Code]

**Part 3 – Variation**

Please tick ✓ Yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day	Month	Year

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

**Please describe briefly the nature of the proposed variation** (please see guidance note 1)

INCLUDE CAR PARK + REAR GARDEN UNDER LICENCED PREMISES. LIVE MUSIC UNTIL MIDNIGHT FRIDAYS + SATURDAYS.

## Part 4 – Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary were successful

Please tick ✓

### Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performance of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that within (e), (f) or (g) (if ticking yes, fill in box H)

### Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P



**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)		
Thur					
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Thur					
Fri					
Sat					
Sun					



**C**

<b>Indoor sporting event</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details here</u></b> (please read guidance note 3)
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 6)			Will boxing or wrestling entertainment take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue			<b><u>State any seasonal variations for the boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Wed			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoors	
				Outdoors	
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri	14:00	00:00			
Sat	14:00	00:00			
Sun	14:00	21:00			

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for playing recorded music</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

## G

<b>Performance of dance</b> Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment you will be providing</u></b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Will the entertainment take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoor	
				Outdoor	
Mon				Both	
			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue			<b><u>State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g).</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of similar description that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					



**I**

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Will the facilities for making music be indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoor	
Mon				Outdoor	
			Both		
			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed					
			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)		
Thur					
Fri					
			<b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**J**

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoors	
				Outdoors	
			Both		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give a description of the facilities for dancing you will be providing</u></b>		
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for providing dancing facilities</u></b> (please read guidance note 4)		
Thur					
Fri					
			<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

## K

<b>Provision of facilities for entertainment of a similar description to that falling within I or J</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility you will be providing facilities</u></b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Will the entertainment facility be indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoor	
Mon				Outdoor	
			Both		
			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling with I or J</u></b> (please read guidance note 4)		
Thur					
			<b><u>Non standard timings. Where you intend to use the premises for provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

## L

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).			Indoors	
						Outdoors	
						Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)				
Mon							
Tue			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)				
Wed			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)				
Thur							
Fri							
Sat							
Sun							

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the sale of alcohol be for consumption</b> (please tick [✓] box) (please read guidance note 7)	On the premises	
				Off the premises	
			Both		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<b><u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		

**N**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 8)

O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal</b> (please read guidance note 4)
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon			
Tue			
Wed			
Thur			
Fri			<b>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please tick ✓ yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it below.

Reasons why I have failed to enclose the premises licence or relevant part of premises licence



**P**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

MONITORING START AND FINISH TIMES OF LIVE MUSIC. KEEPING DOORS CLOSED TO LIMIT NOISE.

**b) The prevention of crime and disorder**

CCTV  
STAFF TRAINING

**c) Public safety**

HEALTH + SAFETY

**d) The prevention of public nuisance**

STAFF TRAINING  
NO SALE OF ALCOHOL TO INTOXICATED CUSTOMERS

**e) The protection of children from harm**

STAFF TRAINING



Please tick ✓ Yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirement my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (See guidance note 11) If signing on behalf of the applicant please state in what capacity.**

Signature: ..... *Deen Patel* .....  
Date: ..... *28-08-2019* .....  
Capacity: ..... *OWNER* .....

**Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (please read guidance note 12) If signing on behalf of the applicant please state in what capacity.**

Signature: .....  
Date: .....  
Capacity: .....

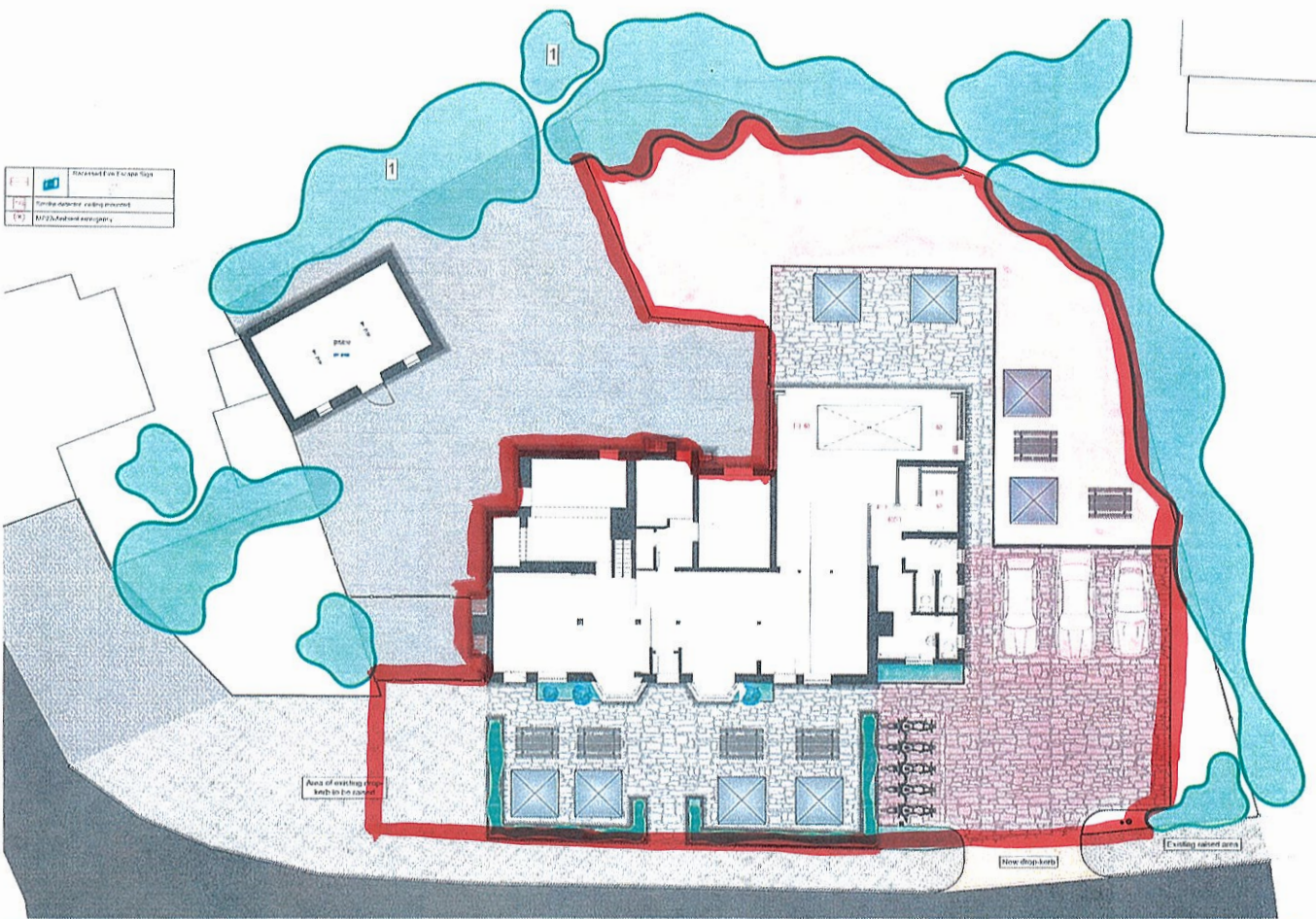
**Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)**

*MR. DEEPAH PATEL  
PLAVANT GREAT BENTLEY CO  
PLAVANT PUB  
PLAVANT RD GT. BENTLEY ESSEX CO7 8LA*

Post town *GT. BENTLEY* Post code *CO7 8LA*

Telephone number (if any) *07811 854 828*

Email address - If you would prefer us to correspond with you by email (optional)  
*dpatel @ deesgroup.co.uk*



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**P**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

CCTV WITH RECORDING FACILITIES OPERATING AT PREMISES AT ALL TIMES.  
STAFF TRAINING. SALE OF ALCOHOL. TRAINING RECORDS MAINTAINED  
REFUSAL LOG.  
CHALLENGE 25 POLICY OPERATED.

**b) The prevention of crime and disorder**

CCTV WITH RECORDING FACILITIES. IMAGES AVAILABLE ON REQUEST  
SPIRITS LOCATED BEHIND COUNTER.  
STAFF TRAINED ON SALE OF ALCOHOL. TRAINING RECORDS AVAILABLE  
FOR INSPECTION BY POLICE OR OTHER RELEVANT AUTHORITIES.

**c) Public safety**

CCTV WITH RECORDING FACILITIES IMAGES AVAILABLE  
ON REQUEST TO RELEVANT AUTHORITIES.

**d) The prevention of public nuisance**

STAFF TRAINING WITH REGARD TO THE SALE OF ALCOHOL  
WITH REFRESHER TRAINING. TRAINING RECORDS AVAILABLE FOR  
INSPECTION.

**e) The protection of children from harm**

CHALLENGE 25 POLICY OPERATED AT THE PREMISES. FORMS OF  
IDENTIFICATION ACCEPTED, PASSPORT, DRIVING LICENSE AND PASS  
ACCREDITED ID CARD.  
SPIRITS LOCATED BEHIND COUNTER.  
REFUSAL LOG MAINTAINED.

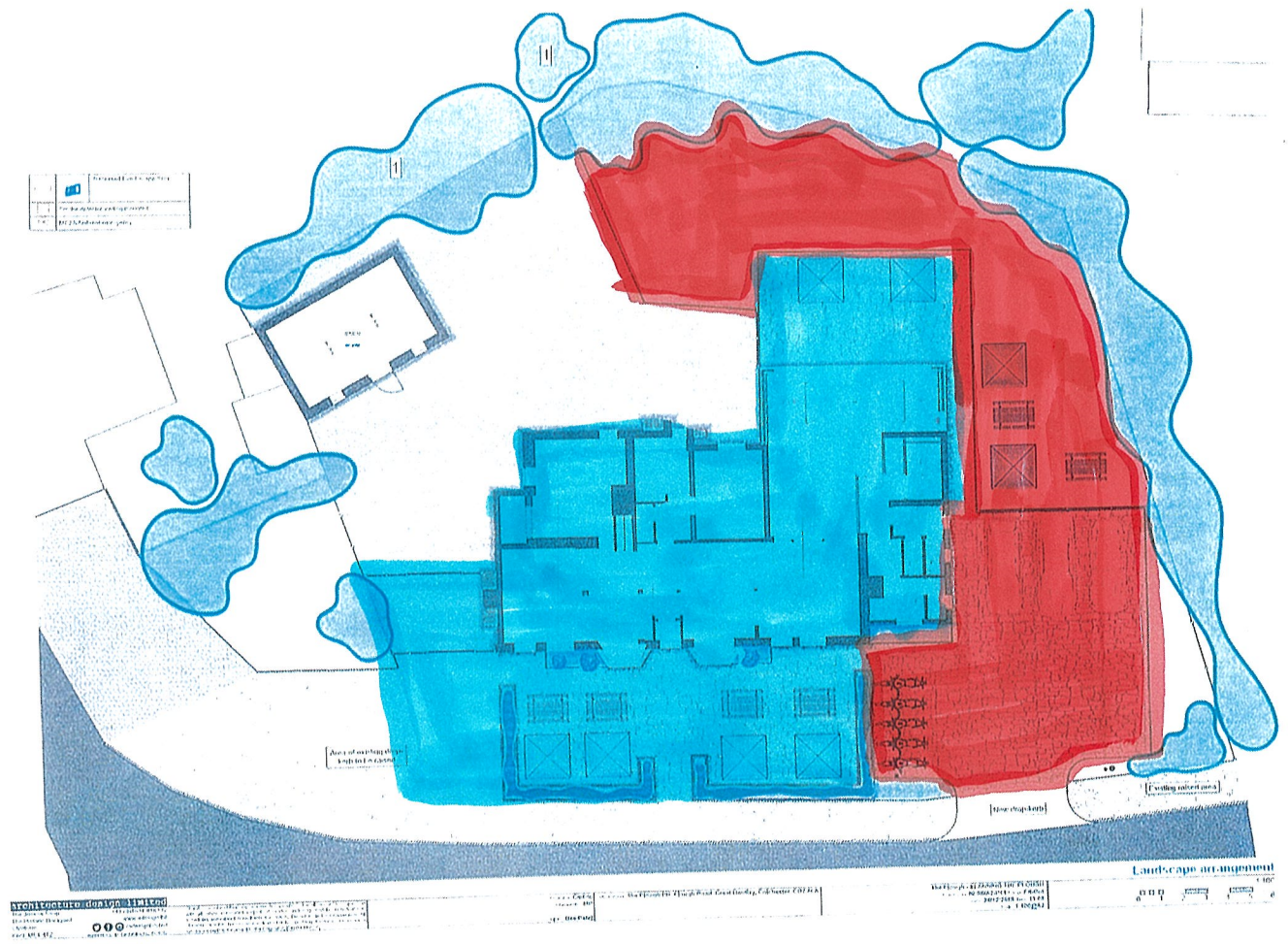
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New licensed area for live music.



Existing licensed area for live music.

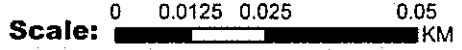
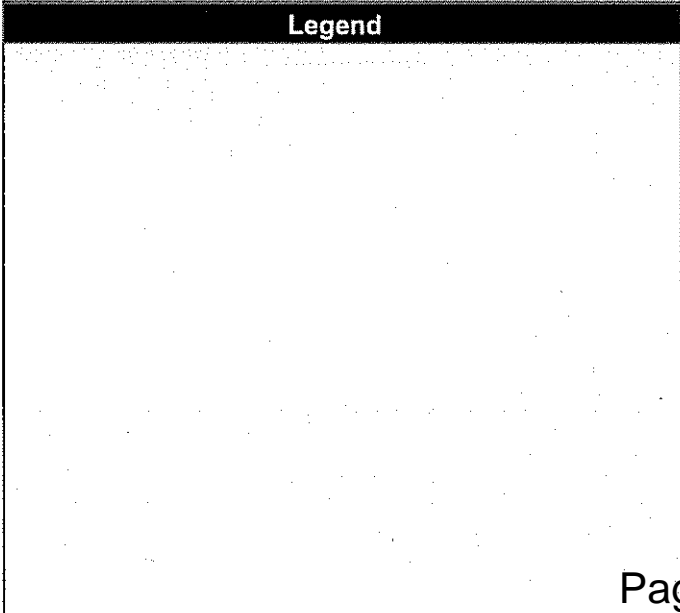
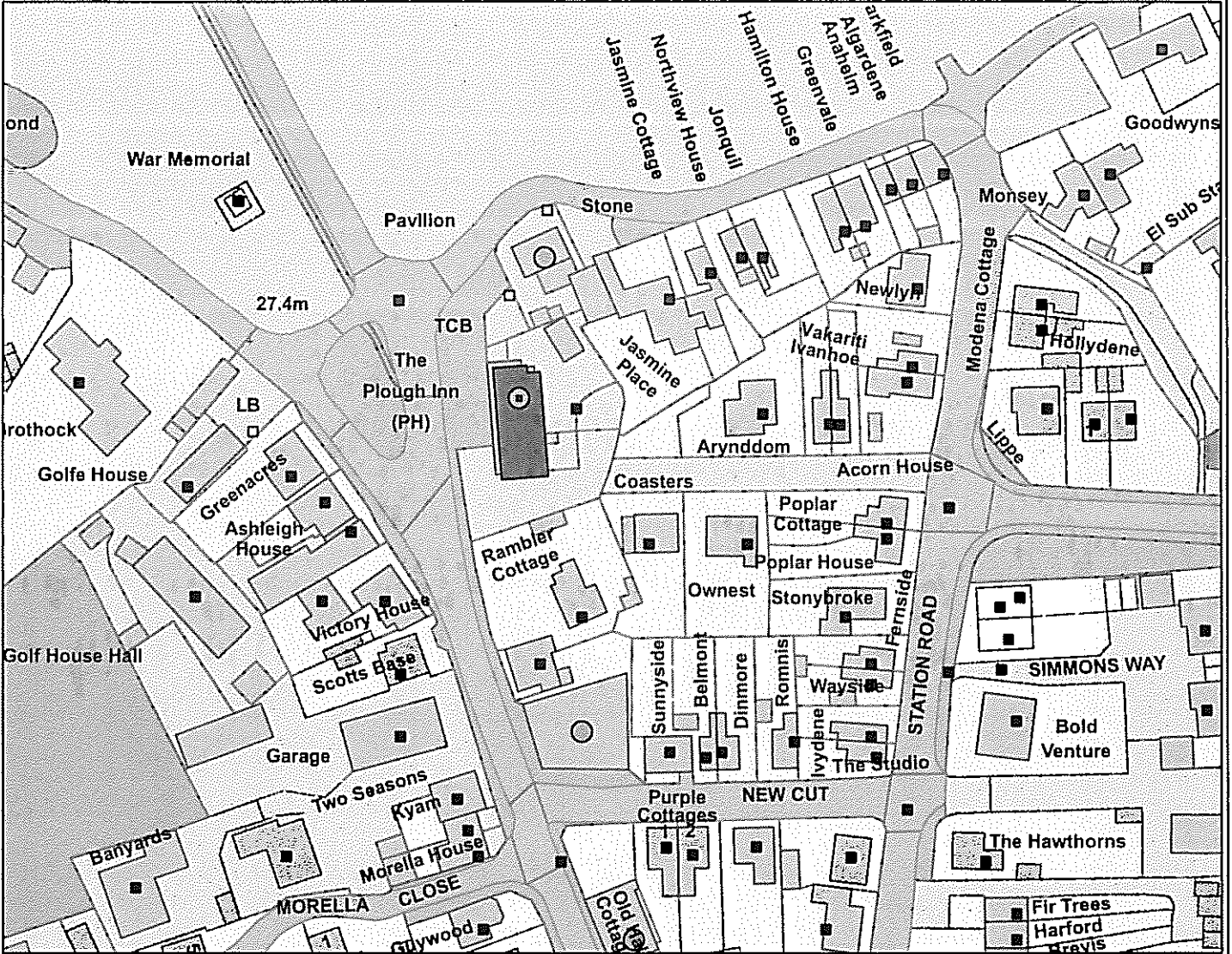


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# The Plough, Great Bentley



19/00523/PREMVA



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Organisation	Tendring District Council
Department	Licensing Section
Comments	Not Set
Date	29/10/2019
MSA Number	100018684

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-----Original Message-----

From: Cllr L. McWilliams

Sent: 20 September 2019 15:17

To: Karen Townshend

Subject: Re 19/00523/PREMVA | Premises Licence Variation | Pending Decision | Plough Road Great Bentley Colchester Essex CO7 8LA

Dear Karen

Please could you put forward my email to relevant officers regarding the concerns I have relating to the above Premises Licence Variation application for The Plough Public House Great Bentley. The Plough has recently undergone a much needed refurbishment which has improved its appearance, which can be only to the good. But since the completion of the works I have received several complaints. (the emails I have forwarded on to TDC Licensing) The intolerable amount of general noise nuisance that is now being generated from the premises, especially from the small extension to the rear of the Plough, with the music and general noise of talking shouting etc., which is now heard very clearly, and windows and doors have been left open and not closed at the required times by law. This matter is not only a nuisance to the nearby households but to others living much further away in Station Road, Birch Avenue, the Southside of the Village Green and the unacceptable noise has also penetrated towards the well established properties all around the 42.3 acre Village Green.

My concerns, and residents are that the variation requested will cause what can only be describes as a terrific impact on the Conservation area, to the properties in the close proximity to The Plough and to what is a rural village, it is not a Metro Town, and is in no way an urban area, yet!

When considering this application could officers please take into account the Public Nuisance this application will generate to this idyllic area of Tendring.

Many thanks

--  
Lynda

Cllr Lynda McWilliams

Tendring District Council Cabinet Member for Partnerships and Ward Councillor for the Parishes of Great Bentley Little Bentley and Frating

Confidentiality

This email may contain Copyright Material and/or sensitive or protectively marked material up to 'Restricted' classification. This e-mail is confidential and privileged.

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**From:** Planning Services  
**Sent:** 26 September 2019 13:53  
**To:** Licensing Section  
**Subject:** Comments for Licensing Application 19/00523/PREMVA

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 1:53 PM on 26 Sep 2019 from Mrs Parish Clerk.

### Application Summary

**Address:** Plough Road Great Bentley Colchester  
Essex CO7 8LA

**Proposal:** Premises Licence Variation

**Case Officer:** Mr Michael Cook

[Click for further information](#)

### Customer Details

**Name:** Mrs Parish Clerk

**Email:** [clerk@greatbentleyparishcouncil.co.uk](mailto:clerk@greatbentleyparishcouncil.co.uk)

**Address:** Great Bentley Parish Council, Community  
Resource Centre, Village Hall, Plough Road,,  
Great Bentley CO7 8LG

### Comments Details

**Commenter  
Type:** Parish or Town Council

**Stance:** Customer objects to the Licensing  
Application

**Reasons for  
comment:**

- General no evidence
- Noise Disturbance
- Opening Hours
- Public Nuisance

**Comments:** 1:53 PM on 26 Sep 2019 Great Bentley  
Parish Council objects to this application.

The Plough is located in a residential area.  
Prior to this application there were  
complaints from the residents of Great  
Bentley regarding the noise level radiating  
from the premises.

The outside areas create a lot of noise and  
residents have also complained that the  
windows of the pub are regularly open.  
This increases the noise level heard  
outside to the front and to the rear of the  
premises where homes are located.

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**From:**  
**Sent:** 19 September 2019 23:27  
**To:** Licensing Section  
**Cc:** licencingsection@tendringdc.gov.uk  
**Subject:** Fwd: Fw: Fw: The Plough Inn - noise complaint and objection to the licence  
**Attachments:** The Plough TDC and comments re licencing.docx

F.A.O. Karen Townsend

Dear Ms Townsend,

Please see below a copy of my Wife's email sent to our local parish counsellor, Mrs Lynda McWilliams, concerning the incessant noise and anti social behaviour we are being forced to endure on a regular basis.

We have enjoyed living in Great Bentley for 31 years and in all that time we have never had reason or cause to complain despite living directly behind the village Pub. However that has now all changed with the new owners having built an extension close to our boundary.

It would appear most weekends live music is played from early afternoon until late at night and with large bi-folding doors left open the entire time which then acts as an echo chamber magnifying the deafening noise.

We are left with no alternative but to remain locked up in our home with all windows and doors closed.

The language being used in the beer garden is both loud and offensive, it has to be loud to make themselves heard over the "music" being played but there is no excuse for the foul language.

Children are often in the garden at all hours and sometimes seem completely unsupervised.

This anti social noise and behaviour is intolerable and we as law abiding citizens should not be subjected to it at all let alone on a regular basis.

Our Son is aged 15 and is currently studying for his GCSE's, he has to get up early each day to travel into Colchester for school and surely has the right to get enough sleep which is not possible when this loud music has been taking place. This is leaving him over tired and unable to fully function.

It is well know that drugs are regularly used by customers and available in fact we understand that the disabled toilet recently was unavailable because it was being used for drug dealing and also other residents have witnessed drug taking.

We now understand that the Plough wishes to extend their licencing hours which is totally unacceptable for the reasons stated above and in my Wife's email below.

You are most welcome to visit our home and experience this persistent noise for yourself as we are at our wits end.

May we look forward to a reply or your acknowledgement at your earliest convenience.

Yours sincerely

Mr R I Fowler

----- Original Message -----

From: "Mandy Fowler"

To: "Rod Fowler"

Sent: Thursday, 12 Sep, 2019 At 13:19

Subject: Fw: Fw: The Plough Inn - noise complaint

Sent from my Huawei phone

----- Original Message -----

Subject: Re: Fw: The Plough Inn - noise complaint

From: Lynda McWilliams

To: Mandy Fowler  
CC:

Dear Mandy

Thank you for the information.

If you could respond to the application regarding the Variation License they have applied for, it would be very helpful.

I have attached a few notes on the procedure.

The link to TDC is

<https://idox.tendringdc.gov.uk/online-applications/licencingApplicationDetails.do?activeTab=lixtras&keyVal=PXD355QB03E00>

Many thanks

Lynda

Cllr Lynda McWilliams

Tendring District Council Cabinet Member for Partnerships and  
Ward Councillor for the Parishes of  
Great Bentley Little Bentley and Frating

Home Tel No. 01206250732

Mobile No. 07564613603

Confidentiality

This email may contain Copyright Material and/or sensitive or protectively marked material up to 'Restricted' classification. This e-mail is confidential and privileged.

If you are not the intended recipient please accept my apologies; please do not disclose, copy or distribute information in this e-mail or take any action in reliance on its contents: to do so is strictly prohibited and may be unlawful.

Please inform me that this message has gone astray before deleting it. Thank you for your co-operation.

On 10/09/2019 17:11, Mandy Fowler wrote:

Sent from my Huawei phone

----- Original Message -----

Subject: FW: The Plough Inn - noise complaint

From: Mandy Fowler

To: rod

CC:

---

From: Mandy Fowler

Sent: 08 September 2019 10:36

To: [Lynda@boblyn.co.uk](mailto:Lynda@boblyn.co.uk) <[Lynda@boblyn.co.uk](mailto:Lynda@boblyn.co.uk)>

Subject: The Plough Inn - noise complaint

Dear Lynda

I am writing to express the concern of myself and my family at the regular very loud and late music from The Plough Inn for the last few months, often until after 12.30am. The extension to the Pub was supposed to be for a restaurant, however seems to be more like a nightclub. It is in the middle of a conservation and residential area and is completely spoiling the area and the peace and quiet of our home. The extension has been built very close to the boundary of our garden, beside an area that we had liked to sit in the evening and also have relaxing days beside our swimming pool which is also built here. The map on the planning application is incorrect as there is not an area of land between the boundary of the pub and the boundary of our property. This disruption has been even worse since the weather became warmer because the bi-fold doors are open at the back of the pub. The music is so loud that it is completely disrupting our lives, preventing us from being able to sit outside in our garden, enjoy the area around our swimming pool, have our windows open in the house, is frightening our dog and is preventing us from being able to get to sleep. The customers of the pub are extremely noisy when out side, even during the early hours of the morning and are shouting and screaming. During the day at weekends there are children outside also shouting and screaming and kicking a ball against the fences around the pub, which makes extremely loud bangs, these children seem to be very often unsupervised. Also the area behind the pub has had extremely bright lights installed which are shining directly into our house at night and into my son's bedroom. This area has been paved and the noise seems to echo from here. I have made a note of a few of the occasions which have been very unpleasant .

21/06/19 - very loud, live music until 12.30am

23/06/19 - party in garden of pub during afternoon and evening. Very loud music, shouting and frequent loud bangs like balloons bursting. I phoned the pub at 8.45pm asking if this could be moved inside as my son and other children in surrounding houses needed to get up for school the next day but this was ignored, this went on until after 10.30pm when we eventually managed to get to sleep. The loud bangs were distressing for my dog.

06/07/19 - children playing football in garden all afternoon, banging against the fence. The ball frequently was kicked into our garden, it was a large, heavy leather ball and we had friends round with a toddler. we had been trying to have an afternoon in the swimming pool but it was too noisy and also dangerous for the little one. We came into the house and my husband happened to look out of the window and saw a young child in our garden around the area of our swimming pool, presumably passed over to collect a ball. The swimming pool is over 5 feet deep and was covered, if the child had stepped onto the cover without realising what was beneath it could have been fatal.

27/07/19 - very loud , live music until after 1am on 28/07/19. an extremely loud base, thumping all evening. So loud that our dog was too frightened to go into the garden. In addition the customers were extremely noisy outside, shouting, screaming and laughing both during the music but also continuing afterwards.

25/08/19 - very loud , live music during afternoon and evening. So loud that we were not able to sit in the garden at all as we could not even hold a conversation.

30/08/19 - very loud music. My husband eventually managed to speak to the manager of the pub at 11.30 pm, she complained that she could not hear him talking because of the

noise! They did close the doors shortly after this but people were going into the garden and talking and laughing very loudly and also each time the doors were opened the music blared out again.

01/01/09 - loud music all afternoon. So loud that we were again unable to sit in the garden because we could not even hear each other speak. We had relatives here for a bbq for my son's birthday. We had planned a pleasant out door afternoon and swim and this was completely ruined by the level of the music.

As you can see this has gone on for some time. there is obviously no consideration for local families. We have tried to speak to the owners of the pub but they have not shown any interest in our concerns.

I really hope that something can be done about this soon because it has become very stressful and is impacting on other areas of our lives due to lack of sleep.

Kind regards

Mandy Fowler



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**From:** Bev Adams  
**Sent:** 26 September 2019 10:18  
**To:** Licensing Section  
**Subject:** The Plough Inn, Great Bentley. ref: 19/00523/PREMVA Premises Licence Variation - OBJECTION

**Importance:** High

To Whom it may concern

Further to the application to extend and vary the premises licence for The Plough, Plough Road, Great Bentley.

We would like to record our **objections** to any further variation and extension on the basis of nuisance. To extend the operational hours, especially on a Friday and Saturday, to those proposed, is unacceptable. We understand that even now the premises should not have open doors and windows over a certain time in the evening. This does not happen and frequently doors are left open and during the hot weather, so are the windows.

This is exacerbated by the use of the front of the pub being used as a patio area with tables/canopies etc., for the use of drinking, eating and smoking. This means that the front doors are usually left open as this area is merely an extension of the premises.

The latest example of this was on Saturday 14<sup>th</sup> September where The Plough hosted a live band that were still playing up to midnight with the front doors open followed by recorded music. This was extremely loud and could be heard by us from our property – 500 yards away. All of this noise nuisance is accompanied by shouting, yelling and bad language until the pub finally closed.

To extend the playing of music, be it live or recorded, and extend the hours of operation to those on the application will cause even further nuisance. The pub is in the middle of a residential area.

This is a **Village** not Colchester High Street.

Roger and Beverley Adams



**From:** Carole Allington  
**Sent:** 25 September 2019 08:18  
**To:** Licensing Section  
**Subject:** The Plough, Great Bentley.

**Re Variation of Licence 19/00523/PREMVA/Premises Licence Variation.**

We are emailing to lodge a strong objection to the Variation of Licence for more live music.

We live at the back of the Plough Inn and I have already complained to Lynda McWilliams our District Councillor about the noise coming from The Plough. We are not actually backing right onto the Plough and we can hear it through double glazing and it goes on until well after midnight and on the weekend of the 31<sup>st</sup> August we had music well after midnight and Sunday afternoon it was really loud from 4pm. If you wanted to sit out in the garden it was impossible. I think that half the village must have heard it.

I know we are not the only ones who are concerned about the noise and according to Lynda they have applied for a variation of Licence which will make the situation worse.

According to a letter I received they should be showing a BLUE NOTICE in a visual place. I have seen nothing on display around the Plough so there is no indication to the local residents that this licence has been applied for so even though there have been many complaints residents will not be aware that this application has been applied for even more loud music. Lately we have heard no music coming from the Pub so we think they are actually laying low until the Variation of Licence is approved. This to us unacceptable.

We think it is unacceptable to have performed music until 1am in the morning on Fridays and Saturdays. We think that midnight is too late and if they have music they should turn the sound down after 11pm.

We, and I know many of our neighbours, strongly object to this Variation of Live Music Licence being approved.

Peter & Carole Allington  
Station Road, Great Bentley

 Virus-free. [www.avq.com](http://www.avq.com)

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**From:** Julie Mackenzie  
**Sent:** 26 September 2019 20:02  
**To:** Licensing Section  
**Subject:** Plough Inn Great Bentley 19/00523/PREMVA/Premises Licence Variation

For the attention of Mr Michael Cook

Dear Sir

We have just been made aware that the above numbered licensing application has been made by the Plough Inn Great Bentley.

We live virtually opposite the pub and have had no notification of this application and have been told that the Notice was only on an obscure window virtually hidden behind a flower basket so not displayed in a prominent position for anyone to see.

We object in the strongest possible manner to any longer opening hours for the pub and the extended playing of recorded or live music. The pub is in the middle of a village surrounded by properties where many families of all ages live and it seems unfair and unnecessary to extend the long hours they are already allowed.

Music from the pub is extremely loud and the doors are constantly left open with people coming and going throughout the evening. It may be a provision of the licence that doors should remain shut but this is impossible to enforce as we have experienced in the past. People leaving later will also incur more noise as they slam/shut car doors and drive away after 1am in the morning. This should be a quiet village pub and not have the same opening hours as a pub in the middle of a town.

Longer hours will be a noise nuisance to all neighbouring properties so please take account of this before you issue your decision.

Julie and Ray Mackenzie

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**From:** Karen Townshend on behalf of Licensing Section  
**Sent:** 23 September 2019 08:40  
**To:** Karen Townshend  
**Subject:** FW: Objection to an extended music licence for The Plough Great Bentley

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** David Flinn  
**Sent:** 20 September 2019 17:21  
**To:** Licensing Section  
**Subject:** Objection to an extended music licence for The Plough Great Bentley

To whom it may concern

While I fully embrace the good work which has gone into the building improvements at The Plough Inn, Great Bentley, I must object to the extension of a music entertainment licence until the early hours of the morning.

The current noise is 'just' acceptable and often ends before midnight. It can be heard from Station Road.

Any future extension beyond 11pm is not acceptable as it can be heard some distance away. Anyone living between the junction of Birch Avenue/Station Road and the Plough Inn with children do experience unacceptable levels.

The threat of drunkenness and loud voices from people leaving the Plough after 11pm will increase above it's already unacceptable levels.

I support the Plough and do visit there but not until the early hours.

*Ulrike Flinn*

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**From:** Helen Boughey  
**Sent:** 27 September 2019 16:08  
**To:** Licensing Section  
**Subject:** Re: Plough Inn. Plough Road. Great Bentley

Received your answer regarding the Extending of hours at the Plough .Great Bentley and am completely baffled at your reply. I am therefore making the following amendment.

I would like to record my objections to any further variation and extension on the basis of NUISANCE. To extend the operational hours especially on a Friday and Saturday to those proposed is unacceptable . The noise already on a Friday and Saturday is unacceptable and to extend it to 1.30 in the morning when there are number of private houses (as well as my own) in very close proximity. It is not only the music but the late night revellers swearing and shouting as they leave the premises.

Sent from my iPad

> On 26 Sep 2019, at 16:24, Helen Boughey <[h.boughey@btinternet.com](mailto:h.boughey@btinternet.com)> wrote:

>

>

> It has just come to my notice (as the Planning Application has not predominantly been displayed) that a planning application has been submitted to extend the licensing hours for The Plough Inn in Great Bentley.

> I live very close to The Plough and object strongly to the licensing hours being extended. Great Bentley is a beautiful and picturesque village and the local Pub should be for the local villagers and not turned into a disco/bistro bar.

> 1.30 is far too late for locals to have to put up with late night revellers leaving and having their sleep disturbed.

> I strongly recommend that this application be refused.

>

> Mrs H Boughey

> Sent from my iPad

## Debbie Bunce

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**From:** Karen Townshend on behalf of Licensing Section  
**Sent:** 16 September 2019 08:16  
**To:** Karen Townshend  
**Subject:** FW: Comments for Licensing Application 19/00523/PREMVA

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** Planning Services  
**Sent:** 15 September 2019 18:26  
**To:** Licensing Section  
**Subject:** Comments for Licensing Application 19/00523/PREMVA

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 6:25 PM on 15 Sep 2019 from Mrs Annie Johnston.

### Application Summary

**Address:** Plough Road Great Bentley Colchester Essex CO7 8LA

**Proposal:** Premises Licence Variation

**Case Officer:** Mr Michael Cook

[Click for further information](#)

### Customer Details

**Name:** Mrs Annie Johnston

**Email:**

**Address:** -

### Comments Details

**Commenter Type:** Member of the Public

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

- Noise Disturbance
- Opening Hours
- Public Nuisance

**Comments:** 6:25 PM on 15 Sep 2019 I am a resident opposite The Plough and have just heard that the pub is wishing to extend their hours for music on all days of the week and extend their licensing hours until the early hours of the morning especially over the weekends.

I object on the following grounds:

1. That the new application for extended hours will increase the already excessive noise levels for all local

residents living nearby, of which there are many. The noise can be heard across the green, and is particularly bad when live music is playing.

2. The pub already breaches its existing licensing rules by having its windows and doors open whilst clients are drinking and smoking, both during and outside the normal licensing hours.

3. The village is a small village and this noise late into the night will be a public nuisance to those residents living next door and opposite.

4. I regularly have waste from pub customers thrown in hedges and bushes at the front of the house, extending the hours, will only exacerbate this issue.

5. The statutory blue notice has not been displayed as of 15/9/19.

The pub is already a noise nuisance/at complaint level - extending the hours would be hugely disruptive for the residents of Great Bentley.

|  

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**From:** sally pollard <  
**Sent:** 18 September 2019 18:54  
**To:** Licensing Section  
**Subject:** Care of Karen Townsend  
**Attachments:** IMG\_0209.MOV

Ref Objection to the license of The Plough Pub, Great Bentley.

Incident number

I am writing to you regarding the anti social behavior from the customers and staff of the Plough pub from noise pollution.

I have already complained to my local mp and to the council as my family and myself cannot deal with the noise and behavior from them anymore, its now to the point that we dread fridays as we know we will be going through hell.

The music coming from the pub is either from a disco or from live bands, they play from 11am until past 1am in the morning on friday, saturday and sundays and the sound is getting worse and worse!

On the last Bank Holiday , on the Saturday, they did live music since 11am, then at 8pm they started playing another band in the garden which was so loud we couldn't watch tv or even hear each other speak! It was really hot that day and was forced to shut the windows even though by that time it made no difference at all, I have never heard anything like it at all!

Our windows end up shaking and my daughter, who has autism and sensory processing disorder, couldnt even calm down with her sound proofing headphones as the sound went straight through so she ended up having a meltdown, it really ruined all of our weekend when we are trying to spend quality family time together as my husband works long hours we dont get to see each other much.

We have endlessly tried calling them to turn it down and they just put the phone down and take no notice at all!

They have small children running around there all day and night while the parents get drunk which is badly negligent and feel terrible for those poor kids.

The worst thing for us is that my daughter is so anxious by friday she cannot handle big booming noises so as you can imagine its a nightmare every weekend. On Sundays my son is tired for school as they play music and the people they shout Till 1am on Sunday evenings which is terrible as it has reduced my son to tears especially when he had exams the next day.

I really hope you can help as its getting too much to bear now and I am sure all the families living around this area feel the same.



We need to sleep and never can when there is loud music and people shouting all the time.

My neighbour told me that she actually wants to move away.

When we first moved here, it was lovely and could tolerate hearing people outside but these people just dont care at all, they put the phone down if we try to call and if we do complain, they turn it up even more!

Its really affecting my health as i feel down and isolated as i cannot go anywhere to drown out the noise and have not been able to enjoy a weekend for over a year now so when i heard about them wanting to be open later i want to cry!

Although they say they want a licence till 1am, i can guarantee it will be a lot later as they are now open till 3am sometimes so god knows how long they intend to stay open if they get this licence.

Everyone around the area is sick to the back teeth of it and a lot of us have young kids aswell, i am currently doing a diary of everything thats happeniing and have attached a small video of an evening after 11pm, the music on there is loud but not even half as loud as it normally is. my kids were trying to sleep at this time!

If you need anything else, dont hesitate to contact me.

Mrs Sally Pollard

**From:** Cllr L. McWilliams  
**To:** Licensing Section  
**Subject:** Fwd: 20190926\_The Plough - Variation of Licence for More Live Music\_Licensing objection  
**Date:** 27 September 2019 20:21:35

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Forwarded as requested.

Lynda  
Cllr. Lynda McWilliams  
Tending District Council  
Ward Councillor to the Parishes of  
Great Bentley, Little Bentley and Frating and the  
Cabinet Member with the portfolio for Partnerships.

Sent from my iPad

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This e mail is confidential and privileged. If you are not the intended recipient please accept my apologies; please do not disclose, copy or distribute information in this e mail or take any action in reliance on it's contents: to do so is strictly prohibited and may be unlawful.

Please inform me that this message has gone astray before deleting it.

Thank you for your co operation.

Begin forwarded message:

**From:**  
**Date:** 27 September 2019 at 20:10:05 BST  
**To:** Lynda <[lynda@boblyn.co.uk](mailto:lynda@boblyn.co.uk)>  
**Subject:** Fwd: 20190926\_The Plough - Variation of Licence for More Live Music\_Licensing objection

Lynda,

Please can you forward this for me.

I wrote last night & it has just come through as having been unable to be sent through.

I have checked the address and cannot see why it will not go through.

Kind Regards,

---

**From**

**Sent:** Thursday, September 26, 2019 8:04:34 PM

**To:** [licensingsection@tenderingdc.gov.uk](mailto:licensingsection@tenderingdc.gov.uk) <[licensingsection@tenderingdc.gov.uk](mailto:licensingsection@tenderingdc.gov.uk)>

**Cc:** Lynda <[lynda@boblyn.co.uk](mailto:lynda@boblyn.co.uk)> **Subject:** 20190926\_The Plough - Variation of Licence for More Live Music\_Licensing objection

To whom it may concern,

I am writing to object to the application by The Plough, Great Bentley, to extend their licensing hours for live music. I want to be put on record as **whole heartedly objecting to any extension application** and would like to go one step further in asking that the **current licensing agreement should be reviewed and reconsidered.**

Firstly I am concerned that many villagers will not be aware of the application. I only found out when over hearing a conversation in a local shop and then making enquiries. I have seen **no evidence on the boundary of The Plough of a Blue notice.** There may be a something in the window between 2 flowering baskets but you would need to be within touching distance (and on their property) to read it. Please see attached photo taken from across the road, cropped and zoomed in, where there is some piece of paper behind the basket. Very few people, certainly of my generation, read a local paper and **as yet the Parish Magazine has not published anything with regards to this.** My understanding from the editor is that it will be in the coming magazine, however this will be too late. To that end I feel the deadline should be pushed back.

Secondly I am concerned regarding **Public Nuisance** that music thus far has created for those living anywhere near The Plough. There has been regular, excessive noise of music late at night (and into the early hours), as well as noise from the pub garden. We have had several weekends where we have felt unable to sit out and entertain in our own garden, due to the excessive noise coming from the pub. With the new extension, which my understanding was to provide a restaurant area, having the doors open in the warm weather, the noise levels at times have meant we are unable to enjoy our own garden or house. This was particularly notable on 1st September, when we went to chat to our neighbours who were trying to have a BBQ but were having to shout at each other to make themselves heard.

#### **Dates and times of excessive noise**

I have kept a rough record of dates and times when it has been particularly bad. I cannot tell you on many occasions what time the music stopped, as we took our youngest into our room shutting all windows and doors in the house to try and limit the impact of the music. On several occasions we have not even been able to be indoors with windows shut and hear our own t.v. in our front room, at a normal volume. Please note that the majority of our property is triple glazed and despite us shutting all the windows (even when the temperature has meant we wanted to keep them open) we have still suffered from the excessive noise.

Fri 21/6/2019 -loud music that was still going on after 0000

Sun 23/6/2019 -loud music and what sounded like a party going on in the pub garden, was still noisy well after 2200, when we eventually managed to get to sleep, with children needing to get up for school the next day. (I know a neighbour complained with no effect)

*I was informed by neighbours that the day we left to go away 6/7/2019 was another noisy afternoon from the pub garden with balls being kicked against fencing etc.*

Sat 27/7/2019 -We were still awake at 0030, with music going on until at least 0100, when I eventually (with daughter in bed) managed to get to sleep. On this occasion I had noted on Facebook that their event was due to finish at 0000, which it quite clearly did not. Also, my daughter is 11, almost 12, so is not a small child to be being kept awake.

Sun 25/8/2019 -very loud music during the afternoon and evening. We were trying to have a family BBQ for my mother, with relatives down from Scotland, and ended up spending most of the time inside so we could talk at a normal level to each other.

Fri 30/8/2019 -very loud music again, that did seem to reduce after 2330, however with the noise of those in the pub garden and the constant opening and shutting of door (letting the noise from the music out at regular intervals) we eventually got to sleep sometime after 0030.

Sun 1/1/2019 -loud music all afternoon, we tried to catch up with neighbours as it was both our children's birthdays the following day but the noise at theirs was unbearable, with normal conversation in their garden out of the question. We returned home and shut all doors and windows just to have some quiet family time, before the children started school the next day.

*Notably since I have been made aware of the application there has been no specific night that we have noted excessive noise.*

#### **Protection of Children from Harm**

I would like to draw to your attention to the fact that there are several of us living in the area that have children of school age, who according to the NHS Guidance should be getting 9 hours of sleep a night. With mine required to get up before 0630, so they can catch the school bus, this means that they need to be asleep by around 2100. With music on several occasions going on well after 0000 and on one occasion stopping after 0100 they are by no means getting enough sleep. My children also have school on Saturday, and whilst it is my choice to put them to that school, previously this was not an issue as there was no excessive noise. With my eldest starting GCSEs and youngest just having started secondary school sleep is precious and so is the ability to be outside in their own garden, without excessive noise, when the weather is warm of an afternoon or evening.

<https://www.nhs.uk/live-well/sleep-and-tiredness/how-much-sleep-do-kids-need/>

I am also concerned regarding the time of night that I am hearing children in the pub garden, where there is often excessive rowdy noise and inappropriate language.

#### **Current License and Planning Application (are The Plough adhering to these?)**

Previously, my understanding was, that the planning application was for an

extension to the pub for restaurant purposes, not a live / late night music venue. I do not recall anything in the restaurant extension plans that took into consideration, according to the Government's own policy regarding 'noise relevant to planning' for such music events. I would also like to point out that the extension is accommodating, as far as I can tell, a bar area and thus the noise is substantially more when the doors are open than it would have been if it was just a restaurant area.

<https://www.gov.uk/guidance/noise--2>

I have found information regarding access and entry after certain times to the pub (on TDC website), with regards to keeping doors etc shut, as well as drinking alcohol outside. If recent events are anything to go by then these are not being adhered to / policed, so any additional extensions should not be considered at all. Those attending the pub have certainly not just been consuming soft drinks after the designated times, when outside until gone 0000, and noise is thrown out of the pub every time the door is opened serving to wake local residents (that may have managed to get to sleep) up again. The design of the extension, from what I have seen, does not lend itself to containing the noise when music events (live or recorded) are occurring. In fact it seems to amplify the noise out of the building every time the doors are opened.

Having read the TDC website regarding contacting the pub to inform them we have felt that there is little point, as others have tried on several occasions and failed. We also do not want them knowing who we are, as we have heard some things regarding the new owner that have made us feel that we do not want to draw attention to ourselves. As you can clearly see though this has been going throughout the Summer and has ruin many weekends when we had hoped to enjoy our previously quiet garden, located in a residential conservation area, not to mention the sleep deprivation. I really do not feel that the frequency that this has been occurring is acceptable and that no extensions should be allowed, in fact there appears to be current legislation that needs enforcing with regards to what is occurring. We are not in a build up town and we as residents surely have a right to peace and quiet, not to mention a good nights sleep in our own homes.

I am extremely disappointed, that having moved into this residential conservation area almost 15 years ago, that this is considered at all appropriate for the area. In the past there has been the odd night where music has been excessive but they were one offs.

I really hope that the council can do something sooner rather than later to address this, as it appears the pub owner is not at all interested. The lack of sleep, inability to enjoy our previously quiet garden on a warm weekend afternoon / evening and the not knowing when the next event is going to take place is all taking its toll, and effecting our quality of life. I know we are not the only ones effected and having bumped into some older local residents, who may not feel they can complain, I feel that the council should visit all houses within a 500m radius of the pub to establish exactly how many are being affected by the noise. The council then need to look at what they can currently enforce, with regards to breaches in noise levels, the building that was extended and it's purpose / the Government's policy on 'noise relevant to

planning' and whether this was taken into consideration in view of what the extension is actually being utilised for, and the drinking that appears to be going on in the garden after certain times. Further to that in considering the application for any extension the NHS guidance on sleep for children must be considered, as any music past 2100 on a week night will be detrimental to several children trying to sleep in the area, not to mention my husband who gets up for work at 0500. Finally please consider that many may not be aware of the application for an extension, due to the lack of visible blue sign and it having not yet been published in the Parish magazine, which is more likely to be seen than a small advert in any paper, if there has been one.

### **Public Safety**

On a side issue I have concerns regarding an incident that we were made aware of on returning from holiday just before Christmas 2018. We were informed by neighbours (and my mother who had seen the workers and been told by them they had permission) that 2 men, with a company gas van were digging on the private road we live on. On questioning by neighbours they informed them that they were trying to tap into the gas main, at the request of The Plough pub, as a favour. They left when questioned further and my understanding is that the gas board came out to ensure that nothing had been disturbed, as they were concerned regarding public safety. This is a domestic main and they did not have permission to be doing what they were. My understanding is that this was reported but nothing has come of it and we were left, as residents, to fill in the holes ourselves. Whilst I am sure there is unlikely any proof / evidence that The Plough owner / staff were aware of this it is obviously a concern to us.

If you would like any further information then please contact me as soon as possible. I am happy for Lynda McWilliams to represent my opinions going forward. Under no circumstances do I want my name, or details from this email that could track it back to me or my property, passing on to anyone associated with or with a vested interest in The Plough.

Kind regards,

---

**From:** Karen Townshend on behalf of Licensing Section  
**Sent:** 18 September 2019 11:26  
**To:** Michael Cook  
**Subject:** FW: The Plough, Plough Road, Great Bentley

**Importance:** High

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**From:** Katie Wesley-Smith  
**Sent:** 18 September 2019 10:28  
**To:** Licensing Section  
**Subject:** The Plough, Plough Road, Great Bentley  
**Importance:** High

Good Afternoon,

I am emailing to raise some concerns about the application to vary the premises licence at The Plough, Plough Road, Great Bentley.

Information has not been supplied in relation to how they are going to manage the noise of the music they are proposing for the outside area. We will need to establish how they are going to manage the noise to ensure that the neighbouring properties are not going to be effected by noise. This will require a comprehensive noise management plan.

I have looked at a map of the location of the outside proposed for music and can see that The Plough is surrounded by residential properties.

Unfortunately if the applicant is unable to satisfy that they are able to manage the noise from music then the Environmental Protection Team will have no option but to formally object to this application based on the likelihood that the proposed activity will cause a nuisance to surrounding residential properties under part P(d) and the licensing objective of The Prevention of Public Nuisance.

I would also like to inform you that we have been in receipt of calls from members of the public wishing to object to this application to vary the premises licence; they have been advised to come to this team to voice their objections. However, this is not a function that we perform, so we have advised them to follow the correct procedure and contact your team for further advice.

Kind Regards

Katie W Smith BSc (Hons) MCIEH  
Environmental Protection Officer  
Environmental Protection Team  
Council Offices, Thorpe Road, Weeley CO16 9AJ

EMAIL: [kwesley-smith@tendringdc.gov.uk](mailto:kwesley-smith@tendringdc.gov.uk)  
TEL: 01255 686 763



**APPLICATION No: 19/00020/PREMTR**

**IN THE MATTER OF THE PLOUGH INN, GREAT BENTLEY**

**APPLICATION TO VARY PREMISES LICENCE**

**LICENSING COMMITTEE TENDRING DISTRICT COUNCIL: 7<sup>TH</sup> NOVEMBER  
2019**

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**APPLICANT'S BUNDLE**

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THOMSON SMITH AND PUXON, Solicitors  
STABLE 6,  
STABLE ROAD,  
COLCHESTER CO2 7GL  
01206 574431  
Email: [richard.porter@tsplegal.com](mailto:richard.porter@tsplegal.com)

## IN THE MATTER OF THE PLOUGH INN

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### STATEMENT OF DEEPAK PATEL

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I Deepak Patel of Vancouver, Shair Lane, Tendring, Clacton on Sea, Essex, CO16 9AE will say as follows:

1. I am an experienced licensee having held the justices licence for the Tom Pepper Public House in Clacton in the early 1990s and having held licenses for a number of convenience stores and supermarkets since then. I am familiar with licensing laws and obligations.
2. I have a business background. Until my heart transplant in 2012 I ran a chain of Budgens supermarkets and a chain of Pharmacies. I suffered from a serious heart condition in 2012 necessitating a heart transplant at the Papworth Hospital. Following my heart transplant I sold all my businesses and concentrated on recovering.
3. I am now substantially recovered and I have gone back into business. I have purchased a number of care homes and at the end of 2018 I purchased The Plough Public House in Great Bentley.
4. If I had not bought The Plough and if it had not been turned around it would have had to close. The village would then have been without a pub. I saw it as an interesting and challenging project and I was determined to make a success of it.
5. I have an office at the back of The Plough from where I run my other businesses. I am on the premises for four or five hours every day.

6. When I bought The Plough I asked Alison Reed to become the pub manager. Alison is a very sensible, level headed manager in whom I have absolute confidence. I am always available if she has any questions.
7. Having purchased The Plough I invested about £400,000 in the premises for refurbishment. The refurbishment included the new extension which is highly insulated.
8. This application is to incorporate the car park and the rear garden into the premises licence (subject to the limitations set out below) and to vary the premises licence to permit the playing of live music on Fridays and Saturdays from 14:00 to midnight and on Sundays from 14:00 to 21:00.
9. The pub is open until 01:30 on Fridays and Saturdays and until 00:30 on Sundays. It is already licensed for the performance of recorded music until 01:00am on Fridays and Saturdays and until midnight on Sundays.
10. The HA Acoustics report dated 28<sup>th</sup> October 2019 (exhibited in the Applicant's documents bundle) states:

4.11. It is understood that the application is for an extension of live music to be operational until 00:00 (currently live music is stopped at 23:00 hours). It is understood, that this extension to time would bring live music cessation, in-line with the venue's recorded (DJ) music, which is permitted to stop at 00:00, midnight.

4.12. It is not clear, why the local authority, did not permit live music to continue to midnight, when they permitted amplified music too; as typically the speech and music spectral components are very similar in nature, and are thought to attract similar numbers of patrons.

In fact the author of the report was mistaken when she said that the premises was licenced for recorded music until midnight. In fact the premises is licenced for recorded music until 0100. The proposed variation does not seek to extend the hours for which the playing of music is licenced; it simply seeks to permit the playing of live music to end one hour before the time currently licenced for the playing of recorded music. As is clear from HA Acoustic's report the quality of the music and the number of patrons attracted will be virtually the same. It is unlikely that the variation will have any outward effect.

11. I am making this application to respond to customer demand. Customers enjoy our live music events and expect bands to be able to play until midnight. Please see the letters in support and the petition. Customers feel short changed if a band finishes at 10.40pm which is now necessary if an encore is to finish by 11.00pm. There is a general expectation that bands can play until midnight. Customers cannot understand why we are permitted to operate a disco until 0100am (ie for two hours after the band finishes), but we are not permitted to allow the band to play beyond 11.00am. This application is to introduce a rational balance to our licensing arrangements. The application is supported by a number of local residents who have written letters and signed a petition. I exhibit copies in our bundle.

12. I am troubled and concerned by some of the comments made by the objectors and I wish that they had come to see me at a much earlier stage to discuss the issues they have raised in their letters.

13. I note that the neighbour's issues largely relate to afternoon and early evening activities in the pub garden. There is some reference to music after midnight. This cannot have been live music as all our live music ceases at 11.00pm. This is a noise management issue which we have addressed in our Noise Management Plan which, since implementation (in concept) has been successful.

14. Noise monitoring

Throughout the year my manager, Alison Reed, has monitored sound emissions from events by going to the boundaries and forming a view as to whether or not the volume of noise emanating from the pub is likely to disturb the neighbours. If she took the view that the sound was likely to disturb the neighbours she spoke to the entertainers.

15. We have now improved our monitoring resources by investing in a noise monitoring device. It is a "Sound Level Meter: METERK 30-130 dBA" noise meter. I purchased it in early October 2019 and Alison operates it.

16. On Sunday 6 October we had an Elton John tribute act which started at 4.00pm and finished at 7.00pm. Alison used the noise monitoring device on the left hand

boundary and the right hand boundary of our premises. The left hand boundary measured 67.7 decibels and the right hand boundary measured 65 decibels. We did not have any complaints.

17. I am aware from HSE guidance (copy enclosed in the bundle) that 70 decibels is the equivalent of soft radio music in the home.

18. We have revised the Plough's Noise Management Plan to take into account HA Acoustic's report dated 28<sup>th</sup> October 2019. In order to ensure that the nearest premises does not experience sound levels above 38 decibels (dB) (the typical background noise level absent abnormal noise), we shall apply a Sound Limiter to restrict electronic sound emissions within the Premises to a cap of 82dB's (or such other level as may be recommended by the acoustician after calibration and installation). We will also undertake the further steps and measures we have set out in the Noise Management.

19. Insofar as live music in the garden is concerned I note from HA Acoustic's report that the ambient noise level in the external areal during opening hours, which is considered to be normal for the site location, is 76dB (paragraph 5.3). I am therefore proposing to use our sound meter to ensure that noise levels at the perimeter of neighbouring properties does not exceed 76 decibels (dB) on those four occasions per year when we have a live music event in our pub garden. It will be remembered that there is to be no live music in the garden beyond 1900 and no recorded music at all;

20. We have also revised the Plough's Noise Management Plan taking into account the representations made by Environmental Health in Katie Smith's email of 25<sup>th</sup> September. For the avoidance of doubt the concerns and our responses are as follows:

20.1 Where the Council's measurements of distances to the nearest noise sensitive buildings and our measurements are in conflict, we are happy to accept the Council's measurements. The important issue is the sound that reaches the perimeter of the noise sensitive properties. I know that our Elton John tribute act Sunday 6 October when we did not have any complaints shows that events can be run at the Plough within acceptable parameters and I am confident that we can contain the sound emanating from the premises to this level, going forward.

20.2 **External Area:** I can confirm:

20.2.1 There will be no live music in the garden beyond 1900 and no recorded music at all;

20.2.2 Live music will not be performed in the garden on more than 4 occasions per year;

20.2.3 The garden area will not be used beyond the later of dusk or 2100;

20.2.4 If this policy result in our patrons using the front area of the premises for fresh air, smoking etc we will monitor noise levels and behaviour, issue warnings as appropriate and if the behaviour persists or is repeated we will exclude people from the pub.

20.3 We cannot provide information about the type of equipment used by our live or recorded entertainers as they bring their own equipment and it differs.

20.4 The entertainment now always takes place in our new rear extension and the entertainers place their equipment to the right of the bar, with the direction of sound and the speakers (for both recorded and live music) facing towards the bar.

21. We are planning to install air conditioning early next year and I have put it in our budget for February / March 2020. The installation of air conditioning will overcome the need or inclination to open the extension's bi-fold windows for air during performances of live or recorded music in the summer. There is no demand to open the door during the colder months, so I am confident the timeline is feasible. Our NMP now requires these doors to be kept closed during music events. My staff and I will monitor and police this rule.

Dated this                                    day of                                    2019

.....  
DEEPAK PATEL

## IN THE MATTER OF THE PLOUGH INN

---

### STATEMENT OF ALISON REED

---

I Alison Reed of The Plough Inn, Plough Road, Great Bentley, CO7 8LA will say as follows:-

1. I am the Manager of The Plough Public House in Great Bentley. The designated premises supervisor is Mr Deepak Patel who purchased the pub at the end of November 2018.
2. Prior to Mr Patel purchasing the pub in November 2018, it had been allowed to deteriorate over a long period of time. The décor was shabby and there was an issue regarding the alleged use of illegal drugs.
3. When Mr Patel purchased the property and employed me to manage the pub he wanted to turn the pub round and to create a welcoming environment for local people. He was very conscious that Great Bentley is a community and he wanted to develop the pub as a community facility.
4. Mr Patel undertook a complete refurbishment of the pub starting on 2 January 2019 and ending in July 2019. A rear extension was built; the bar was replaced; the toilets were upgraded (to remove all flat surfaces and therefore opportunities for drug use); the carpets were removed and the premises was completely redecorated. A great deal of work was undertaken externally including the construction of a proper car park, the building of a new brick wall and general refreshment.
5. The rear extension is built to the highest specifications. The walls are thick and well insulated, the bi-fold garden door is double glazed and the roof light is triple glazed.
6. One of many beneficial outcomes from the refurbishment is the creation of a full restaurant area offering 30 covers.



7. We have been particularly focussed on eradicating drug use from the premises and to attract the right type of clientele. We have been very successful in eradicating drugs. Anyone suspected of drug use has been banned for life and a new, better class of clientele, has begun using the pub and the restaurant. I am confident that the Plough is not now frequented by drug users.
8. I worked in the pub before the refurbishment. Before the rear extension was built the pub used to have discos and bands in the front saloon bar area.
9. The pub is in a conservation area and has single glass windows at the front. Following the refurbishment, when we have had musical entertainment, we have placed the disco or the band in the extension. The extension is very well insulated from a noise escape perspective.
10. In addition to live and recorded music and dancing we also provide the following community activities:

Charity Quiz Nights  
Local Pool Team games  
Local Darts Team games

11. I exhibit the Blue Notice that I placed in a window on the premises in a place where it could conveniently be read by members of the Public. I exhibited the Blue Notice in the window from 28<sup>th</sup> August until it was removed on 2<sup>nd</sup> October 2019.
12. I also produce a schedule of all the events we have put on during 2019. I have been through the letters of objection to the application and I respond to them as follows:-

21 June 2019

This was the Andy Robinson band. We did not have any complaints during the course of the evening, but I was concerned about the volume and I asked them on two occasions to moderate the sound. The band played through until 11.00pm when it stopped. Due to the band's disappointing response to the concerns I had raised we have not booked them again.

23 June 2019

This was a Sunday afternoon birthday party in the pub's garden. A disco had been booked and was playing inside the pub.

On this occasion, in the early evening, we received a call from a neighbour. The call went through to the kitchen which was unmanned after 7.00pm. As it happened, Mr Patel was walking past the kitchen and took the call. He then told me that there had been a complaint and that he had apologised. In response, we brought everyone inside and closed the doors. We asked the DJ to let it be known that if people left the doors open we would have to stop the music. We monitored the doors to make sure that they were kept closed at all times. The recorded music was not particularly loud. My own opinion was that the sound of the conversation was probably more intrusive than the sound of the music.

It is worth noting that there were no complaints on 29 June 2019 which was carnival day. We had the East Coast Shakers in our car park and a solo singer at 8.00pm. There were no complaints on that occasion.

6 July 2019

The complaint relating to this day was not about live music. The complaint focuses on children in the pub garden playing football. There were no complaints on the day. As a matter of routine, if we have unruly children I tend to speak to their parents. We have signs up all over the premises saying "no ball games" and other signs saying that parents are responsible for their children.

27 July 2019

We had booked a band called Stone Shuffle Jones. This was a five piece band. I was conscious that it was loud and I therefore kept the rear doors closed and asked smokers to smoke in the front of the building. I carefully monitored the doors and tried to ensure that people remained in the building. The pub was full and patrons who sang along with the band. I readily accept that this act was too loud and not suitable for The Plough. We have not booked them since.

### Sunday 25 August 2019

This was an annual charity function arranged by Mr Patel to raise money for the Papworth Hospital. Mr Patel arranges a fundraising function every year since his heart transplant. We had a single female performer in the garden playing the guitar and singing. We had a barbecue in the garden and the garden was full of customers. We held an auction and a raffle. The event was not a late event and we received no complaints or calls.

### 30 August 2019

This was a 40<sup>th</sup> birthday party for a local lady. The entertainment was a live disco; and not live music. We received a telephone call at 10.30pm to complain about the noise. The male caller said that he had lived in the area for 31 years and had never known anything like it. I asked the DJ to turn the music down. I think the issue was that people were singing along with the music. On this occasion the pub was nearly empty by 11.30pm. The music finished at midnight and we were cleaned up and closed down by 1.00am.

### Sunday 1 September

We had a solo singer performing on this date. There were no complaints. The music was not loud.

### Staff at The Plough

The Plough at Great Bentley employs 15 people, two of which are cleaners. Seven of our employees live in the village. There are no other pubs in the village.

## 13. Demand

We do not provide live or recorded music nightly. We probably hold one event a week. I see from the letters of objection that only a very small number have caused issues. (It must be remembered that we are still learning – our knowledge and understanding and systems are improving every time). This is part of our role as a community pub. We aim to provide something for all tastes. On a recent Saturday when there was no entertainment we had only four customers and by 10.30pm this had reduced to two customers. The pub would not be viable on this basis. When we hold a function we will often have over 100 people. This demonstrates that there is a

demand. We also depend on these evenings for financial viability. It is not viable to keep a public house open for only two customers.

14. Noise monitoring

Throughout the year I have monitored sound emissions from events by going to the boundaries and forming a view as to whether or not the volume of noise emanating from the pub is likely to disturb the neighbours. If I feel that it is likely to disturb the neighbours I take action by speaking to the entertainers. We have now improved our monitoring resources by investing in a noise monitoring device. It is a "Sound Level Meter: METERK 30-130 dBA" noise meter. This arrived in early October 2019 and I have familiarised myself with it. On Sunday 6 October we had an Elton John tribute act which started at 4.00pm and finished at 7.00pm. I used the noise monitoring device on the left hand boundary and the right hand boundary of our premises. The left hand boundary measured 67.7 decibels and the right hand boundary measured 65 decibels. We did not have any complaints.

15. I worked with Mr Patel in the development of the Plough's Noise Management Plan which was sent out for consultation with this application. I am familiar with the final version and I am comfortable that it is a workable plan that my team and I will be able to implement.

16. In preparing the final version we revised the Plough's Noise Management Plan to take into account HA Acoustic's report dated 28<sup>th</sup> October 2019. In order to ensure that the nearest premises does not experience sound levels above 38 decibels (dB) (the typical background noise level absent abnormal noise), we shall apply a Sound Limiter to electronic equipment to restrict electronic sound emissions within the Premises to a cap of 82dB's (or such other level as may be recommended by the acoustician after calibration and installation). We will also undertake the further steps and measures we have set out in the Noise Management Plan.

17. Insofar as live music in the garden is concerned we noted from HA Acoustic's report that the ambient noise level in the external areal during opening hours, which is considered to be normal for the site location, is 76dB (paragraph 5.3). We are therefore proposing to use our sound meter to ensure that noise levels at the perimeter

of neighbouring properties does not exceed 76 decibels (dB) on those four occasions per year when we have a live music event in our pub garden. It will be remembered that there is to be no live music in the garden beyond 1900 and no recorded music at all;

18. We have also revised the Plough's Noise Management Plan taking into account the representations made by Environmental Health in Katie Smith's email of 25<sup>th</sup> September. For the avoidance of doubt the concerns and our responses are as follows:

17.1 Where the Council's measurements of distances to the nearest noise sensitive buildings and our measurements are in conflict, we are happy to accept the Council's measurements. The important issue is the sound that reaches the perimeter of the noise sensitive properties. I know that our Elton John tribute act Sunday 6 October produced sound that we measured on the left hand boundary at 67.7 dB's and on the right hand boundary as 65 dB's. This is less than the sound of a soft radio playing in a home (according to the HSE). We did not have any complaints. I am therefore confident that we can contain the sound emanating from the premises by using all the techniques in the Noise Management Plan.

**17.2 External Area: I can confirm:**

17.2.1 There will be no live music in the garden beyond 1900 and no recorded music at all;

17.2.2 Live music will not be performed in the garden on more than 4 occasions per year;

17.2.3 The garden area will not be used beyond the later of dusk or 2100;

17.2.4 If this policy result in our patrons using the front area of the premises for fresh air, smoking etc we will monitor noise levels and behaviour, issue warnings as appropriate and if the behaviour persists or is repeated we will exclude people from the pub.

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17.4 The entertainment now always takes place in our new rear extension and the entertainers place their equipment to the right of the bar, with the direction of sound and the speakers (for both recorded and live music) facing towards the bar.

18 We are planning to install air conditioning early next year and I understand Mr Patel has placed this in the budget for February / March 2020. The installation of air conditioning will overcome the need or inclination to open the extension's bi-fold windows for air during performances of live or recorded music. Our NMP now these doors to be kept closed during music events. My staff and I will monitor and police this rule.

Dated: .....

Signed: .....

ALISON REED

Events/ Diary Dates for Entertainment 2019

January

19<sup>th</sup> – Disco

26<sup>th</sup> – Sax and The Voice

February

9<sup>th</sup> – Andrew Robinson Band

March

16<sup>th</sup> – Mark Jacobs

April

13<sup>th</sup> – Stone Shuffle Jones

20<sup>th</sup> – Gary Gee

May

4<sup>th</sup> – Chris Wren

18<sup>th</sup> – Soul Selection

25<sup>th</sup> – Disco (50<sup>th</sup> Birthday Party)

June

1<sup>st</sup> – Sax and The Voice

9<sup>th</sup> – JD

21<sup>st</sup> – Andy Robinson Band

23<sup>rd</sup> – Disco (50<sup>th</sup> Birthday Party)

29<sup>th</sup> – East Coast Shakers/Iri J

July

13<sup>th</sup> – Mark Jacobs

21<sup>st</sup> – Iri J

27<sup>th</sup> – Stone Shuffle Jones

August

3<sup>rd</sup> – Sax and The Voice

4<sup>th</sup> – Iri J

10<sup>th</sup> – Red Hot Radiators

24<sup>th</sup> – Disco/Karaoke

25<sup>th</sup> – Papworth Charity Event



30<sup>th</sup> – Disco/Karaoke – 40<sup>th</sup> Birthday Party

September

1<sup>st</sup> – JD

14<sup>th</sup> – Stiff in The Morning

28<sup>th</sup> – Don't Fret

October

6<sup>th</sup> – Elton John Tribute Act

12<sup>th</sup> – Sax and The Voice

18<sup>th</sup> – Disco – 18<sup>th</sup> Birthday Party

26<sup>th</sup> – Sabrina Summer

November

2<sup>nd</sup> – Retro

10<sup>th</sup> – JD

23<sup>rd</sup> – Disco/Karaoke

30<sup>th</sup> – Disco – 40<sup>th</sup> Birthday Party

December

6<sup>th</sup> – Disco – Christmas Party

21<sup>st</sup> – Pop Gun

22<sup>nd</sup> – JD

24<sup>th</sup> – Iri J/Sax and The Voice



LICENSING ACT 2003

An application has been submitted to TENDRING DISTRICT COUNCIL as the LICENSING AUTHORITY for the TENDRING DISTRICT as follows:-

Type of Application:	PREMISES VARIATION
Name of Applicant:	PLOUGH GREAT BENTLEY LTD
Premises:	19/00020/PREMTR (The Plough)
Address of Premises:	PLOUGH ROAD GREAT BENTLEY ESSEX CO7 8LA
Type of Activity to be licensed	CAR PARK + REAR GARDEN TO BE INCLUDED IN PREMISES LICENCE.  VARIATION TO LIVE MUSIC TIMES. FRIDAYS - 14:00 - 00:00 SATURDAYS - 14:00 - 00:00 SUNDAYS - 14:00 - 21:00

Any person wishing to lodge a representation concerning this application may send this, in writing, to Tendring District Council, Licensing Section, 88-90 Pier Avenue, Clacton on Sea, Essex CO15 1TN or deliver this personally to the Council Offices at 88-90 Pier Avenue, Clacton on Sea where the Public Register is available and may be viewed during normal office hours.

Any such representation must be received by the Licensing Authority by the following date: ...27.10.2019...

Please note that it is an offence knowingly or recklessly to make a false statement in connection with an application and there is a maximum fine of £5,000 for which a person is liable on summary conviction for the offence



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### Licensing Act 2003 Section 17(5)

Notice is hereby given that Xiaoming Gu has applied in respect of the Hinking restaurant, 47 Sir Isaac Walk CO1 1JJ, for a Premises Licence under the Licensing Act 2003 to allow for: Sale of Alcohol, Tuesday to Sunday 11:00 to 20:00. Representations to this application must be made in writing, by 04/10/2019, to the Licensing Authority, Colchester Borough Council, PO Box 889, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG. The register of licensing applications can be inspected between 9am and 5pm Monday to Friday at the offices of Colchester Borough Council, 33 Sheepen Road Colchester or online <http://www.colchester.gov.uk/licensingregister> It is an offence on summary conviction, to knowingly or recklessly make a false statement in connection with this application, the maximum fine for which is £5000.

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**LICENSING ACT 2003**

TAKE NOTICE that Plough Great Bentley Ltd has applied to Tendring District Council as the Licensing Authority for the Tendring District for the grant of a Club Premises Certificate in respect of The Plough, situate at Plough Road, Great Bentley, Essex CO7 8LA to permit the licensable activities to take place on the occasions and times a set out below:- Car park and Rear Garden to be included in Premises Licence.

Variation to Live Music Times - Fridays and Saturdays 14:00 - 00:00, Sunday 14:00 - 21:00. Any person wishing to lodge a representation concerning this application may send this, in writing to Tendring District Council, Licensing Section, 88-90 Pier Avenue, Clacton on Sea, Essex CO15 1TN or deliver this personally to the Council Offices at 88-90 Pier Avenue, Clacton on Sea where the Public Register is available and may be viewed during normal working hours. Any such representations must be received by the Licensing Authority no later than 27/09/2019. Please note that it is an offence knowingly or recklessly to make a false statement in connection with an application and there is a maximum fine of £5000 for which a person is liable on summary conviction for the offence.

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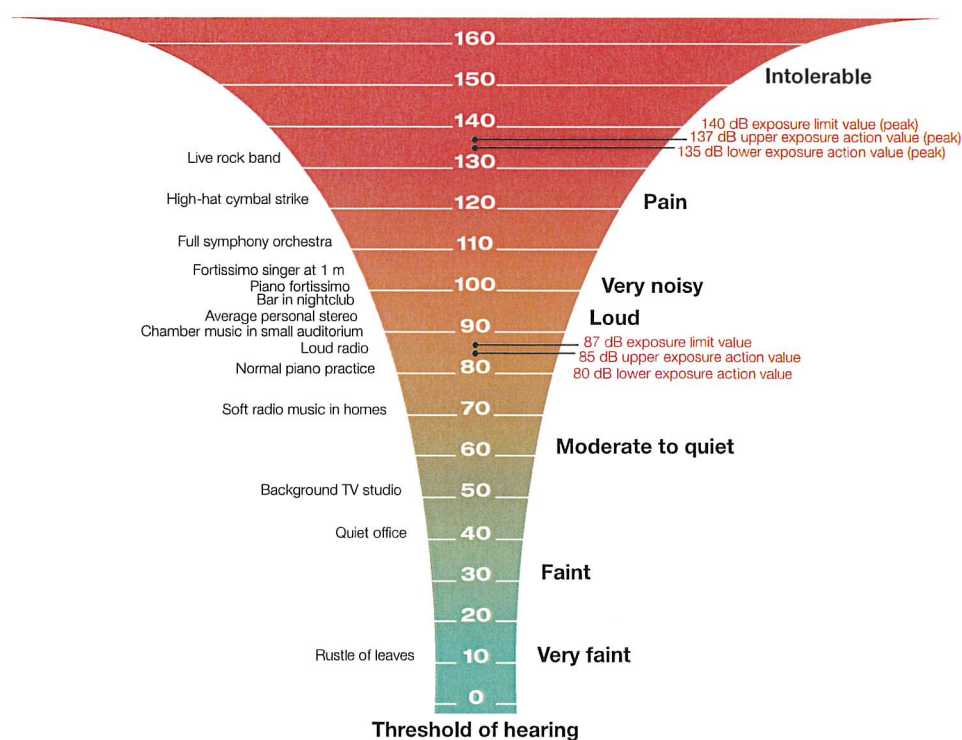


Figure 1 Typical noise levels in decibels

### Noise action and limit values

14 The Noise Regulations require employers to take specific action at certain action values. These relate to:

- the levels of exposure to noise of employees averaged over a working day or week; and
- the maximum noise (peak sound pressure) to which employees are exposed in a working day.

15 The values are:

- lower exposure action values (LEAV):
  - daily or weekly exposure of 80 dB;
  - peak sound pressure of 135 dB;
- upper exposure action values (UEAV):
  - daily or weekly exposure of 85 dB;
  - peak sound pressure of 137 dB.

16 There are also levels of noise exposure which must not be exceeded (but take account of any reduction in exposure provided by hearing protection):

- exposure limit values (ELV):
  - daily or weekly exposure of 87 dB;
  - peak sound pressure of 140 dB.

DOCUMENT REFERENCE: HA/AB697/V1

## NOISE IMPACT ASSESSMENT

THE PLOUGH INN, PLOUGH ROAD, GREAT  
BENTLEY, COLCHESTER, ESSEX CO7 8LA



**Our Ref** HA/AB697/V1  
**Site Address** The Plough Inn, Plough Road, Great Bentley, Colchester, Essex CO7 8LA  
**For** Mr Deepak Patel (Dees Group)  
**Client Address** The Plough Inn, Plough Road, Great Bentley, Colchester, Essex CO7 8LA  
**Date of Report** 28 October 2019  
**Author** Miss Josie Nixon MSc BA (Hons) AMIOA  
**Checked by** Mr Stuart J G Nixon MSc BSc (Hons) MIOA MCIEH



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Telephone: (Chelmsford) 01245 206 250

This report has been prepared by Healthy Abode Limited t/a HA Acoustics with all reasonable expertise, care and diligence. The survey and report has been undertaken in accordance with accepted acoustic consultancy principles, it takes account of the services and terms and conditions agreed verbally and in writing between HA Acoustics and our client. Any information provided by third parties and referenced is considered to have undergone suitably thorough third-party checks to ensure accuracy. We can accept no liability for errors with a third-party data. This report is confidential to our client and therefore HA Acoustics accepts no responsibility whatsoever to third parties unless formally agreed in writing by HA Acoustics. Any such party relies upon the report at their own risk.

## EXECUTIVE SUMMARY

- Mr Deepak Patel on behalf of Dees Group instructed Healthy Abode Ltd t/a as HA Acoustics to undertake a noise impact assessment for the proposed extension of live music operating hours at The Plough Inn Public House, Plough Road, Great Bentley, Colchester, Essex CO7 8LA.
- HA Acoustics has undertaken an environmental noise survey at the site in order to determine prevailing background noise levels that are representative of the nearest noise sensitive receptors (NSR). The nearest NSR to The Plough Public House is a residential premises located approximately 30 meters to the south-west. NSR2 is located approximately 37 meters from the Public House, to the front of the site (west). NSR3 is located approximately 40 meters from the Public House to the rear (east).
- A baseline noise survey and assessment has been undertaken in line with the guidance contained in BS 4142:2014, measurements being taken over continuous 5-minute periods. For robustness, the boundary of the quietest NSR location was chosen for monitoring, this was to the rear of the site, close to NSR2&3, and away from the influence of road traffic.
- The unattended survey was conducted on Friday 18<sup>th</sup> October 2019 – Monday 21<sup>st</sup> October 2019, at 2 fixed monitoring points; one position, located internally within the Public House, near to the bar, representative of noise levels in close proximity to the Live band/DJ. The second noise monitoring position was external to the rear of the site.
- The Public House existing operational hours are understood to be:
  - Monday – Thursday: 11:30-23:30
  - Friday – Saturday: 11:30-01:00
  - Sunday: 11:30 – 00:00
- It is understood that the clients proposal is to extend the licensing hours of operation for live music from 23:00 to 00:00 hours Friday and Saturdays.
- The typical background noise level has been calculated as:
  - Daytime 44dB L<sub>A90</sub>, (07:00–23:00)
  - Nighttime 41dB L<sub>A90</sub> (23:00-07:00)
  - PH Open, Operational hours 62dB L<sub>A90</sub> (operational hours)
  - PH Closed, (non-operational hours) 41dB L<sub>A90</sub>,(non-operational hours)
  - **Noise criteria, 23:00-00:00 38dB L<sub>A90</sub> (23:00-00:00) \*Saturday and sunday night)**



- Noise calculations of the proposed extended hours been undertaken using all available details and plans provided by the client and obtaining manufacturers' specifications. The resultant sound pressure level, without mitigation has been calculated at the NSR1 at 42dBA.
- Therefore, this report recommends physical mitigation is incorporated, an electronic noise limiter device through which all amplified/live music must be played. It is recommended that once installed, the electronic noise limiter is calibrated by an appropriately qualified acoustician. The resultant sound pressure level, with mitigation incorporated shall need to achieve a resultant sound pressure level, at the NSR1 at  $\leq 38$ dBA. It has been predicted that with an electronic noise limiter, capping amplified music noise levels it is capable of achieving the noise criteria, whilst permitting acceptable internal live music ambience.
- In accordance with National Planning Policy Framework guidance, the noise impact from the operation for the extended licensing hours, currently is a '**Low observed adverse effect level**' with the mitigation as stated herein, it is predicted to become a '**No observed effect level**' at the NSR's.

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## **Appendices**

**Appendix A – Site Location and Monitoring Positions**

**Appendix B – Noise Survey Results and Time History**

**Appendix C – Site Drawings**

**Appendix D – Acoustic Calculations**

## 1. INTRODUCTION

- 1.1. Mr Deepak Patel on behalf of Dee's Group instructed Healthy Abode Ltd t/a HA Acoustics to undertake a noise impact assessment at The Plough Inn, Plough Road, Great Bentley, Colchester, Essex CO78LA for submission as part of documentation to be provided to the Local Authority, Tendring District Council.
  
- 1.2. The Plough Inn, Plough Road, Great Bentley, Colchester, Essex CO78LA is proposing to extend its licensed live music operation hours to 00:00 hours on Thursday and Friday nights, the noise from which could have the potential to affect existing noise sensitive properties nearby.
  
- 1.3. The purposes of this report are:
  - 1.3.1. To determine prevailing environmental noise levels affecting surrounding properties due to nearby noise sources (e.g. road traffic, commercial plant etc.);
  
  - 1.3.2. Based on the above, to present noise emission limits in accordance with the requirements of National Planning Policy Framework 2019, and
  
  - 1.3.3. To undertake an assessment to demonstrate compliance with the Local Authority noise requirements.

## 2. SITE DESCRIPTION

2.1 The Plough Inn, Plough Road, Great Bentley, Colchester, Essex CO7 8LA (hereafter referred to as 'the site') is a commercial Public House premises, serving food, alcohol, with a license for live and amplified music. The premises is operational between; 11:30 – 23:20 Monday Thursday, 23:30 – 13:00 Friday & Saturday, 23:30 – 00:00 Sunday night.

2.2 The Plough Inn is situated within a village, Great Bentley. The site is located on the corner of Plough Road and Station Road. Located to the north is the village Green with Cricket square and Football nets. Situated to the east south and west are mainly residential premises. There is a Tesco Express located 50m to the south. Great Bentley Train station is approximately 150m from the site to the south, with links between Wivenhoe and Weeley.

2.3 The nearest noise sensitive receptor (NSR) located to the site is noted to be a residential premises located approximately 30 meters from the Public House to the south-west. NSR2 is located approximately 37 meters from the plough to the front of the site (west). NSR3 is located approximately 40 meters from the Public House to the rear (east). It can be confidently assumed that if the noise impact assessment indicates that the specific sound source has a low impact at this premises then it can be safely assumed it will be met at other properties of equal distance and/or those further away.

2.4 At the time of installation and collection of the monitoring equipment, the dominant noise sources emanated from road traffic, overhead airplane movements and rail noise along with some commercial and residential activity noise. These noise sources are considered normal to the site location. No significant abnormal noise sources were identifiable. It is considered that the measured noise levels are reasonable given the location of the measurement position.

### 3. ENVIRONMENTAL NOISE SURVEY METHODOLOGY

- 3.1 An unmanned environmental noise survey was undertaken at two measurement locations; one was situated internally, and the second located outside to the rear of the site. The survey was undertaken between 16:00 hours on Friday 18<sup>th</sup> October 2019 and 14:00 hours on Monday 21<sup>st</sup> October 2019.
- 3.2 The **internal** sound level meter (SLM) was mounted approximately 1.5 metres above ground level near the bar. The SLM was positioned approximately 1 metres from the façade. The position is not considered to be ‘free-field’; therefore acoustic corrections of -3dB have been applied to the measurements.
- 3.3 The **external** sound level meter (SLM) was mounted approximately 2 metres above ground level to the rear of the pub garden. The SLM was positioned close to the rear fence. This position is not considered to be ‘free-field’ therefore acoustic corrections of -3dB have been applied to the measurements.
- 3.4 The positions are considered to be representative of background noise levels at the nearest identified NSR and of the internal ambient levels. The monitoring positions are identified in Appendix A.
- 3.5 The equipment used for the noise survey is summarised in Table 3.1.

Equipment	Description	Quantity	Serial Number
Larson Davis LxT SE	Class 1 automated logging sound level meter	1	0004960
377B02 microphone	Class 1 ½" microphone	1	168839
Svantek 977	Class 1 automated logging sound level meter	1	69298
ACO Pacific 7052E	Class 1 ½" microphone	1	69584
Larson Davis CAL200	Class 1 Calibrator	1	14432

Table 3.1 Description of Equipment used for Noise Survey

- 3.6 Ambient, background and maximum noise levels ( $L_{Aeq}$ ,  $L_{A10}$ ,  $L_{A90}$  and  $L_{AmaxF}$  respectively) were measured throughout the noise survey in consecutive 5-minute periods.
- 3.6 The noise survey and measurements were conducted, wherever possible, in accordance with BS7445-1:2003 ‘Description and measurement of environmental noise. Guide to quantities and procedures’. Measurements were made generally in accordance with ISO 1996-2:2007 ‘Acoustics – Description,

*measurement and assessment of environmental noise – Part 2: Determination of environmental noise levels’.*

- 3.7 Weather conditions throughout the entire noise survey period were noted to be mild (approximately 10-16° Celsius), generally dry, with cloudy skies (approximately 50-80% cloud cover) and a light wind (<5m/s). These weather conditions were checked against and confirmed by the use of the Met Office mobile application available on smart phone technology. These conditions were maintained throughout the whole survey period and are considered reasonable for undertaking environmental noise measurements.
- 3.8 The noise monitoring equipment was calibrated before and after the noise survey period. No significant drift was recorded. Equipment calibration certificates can be provided upon request.

#### 4. EXTERNAL NOISE EMISSION CRITERIA

##### 4.1. National Planning Policy Framework 2019

4.2. In March 2012, the National Planning Policy Framework (NPPF) came into force and was revised in February 2019. This document replaces a great many planning guidance documents, which previously informed the planning system in England.

4.3. The NPPF (2019) sets out the Government's economic, environmental and social planning policies for England and these policies articulate the Government's vision of sustainable development.

4.4. The Noise Policy Statement for England (NPSE) published 2010 applies to '*all forms of noise, including environmental noise, neighbour noise and neighbourhood noise*'.

##### 4.5. Paragraph 180 of the NPPF (2019) considers noise, stating:

*"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- *a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- *b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- *c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."*

4.6. National Planning Policy is guided by the NPPF. With regard to noise, the terms 'significant adverse impact' and 'other adverse impacts' are defined in the explanatory notes of the 'Noise Policy Statement for England' (NPSE). These state that there are two established concepts from toxicology that are currently being applied to noise impacts, for example, by the World Health Organisation. They are:

- 'NOEL – No Observed Effect Level, this is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise, and

- LOAEL – Lowest Observed Adverse Effect Level. This is the level above which adverse effects on health and quality of life can be detected.

4.7. Extending these concepts for the purpose of this NPSE leads to the concept of SOAEL - significant observed adverse effect level. This is the level above which significant adverse effects on health and quality of life occur'. However, no specific noise limits for LOAEL and SOAEL have been defined.

**4.8. Local Authority Criteria, Tendring District Council,**

4.9. The proposed site lies within the jurisdiction of the Local Authority, Tendring District Council. An acoustic report is required to support the extension of operational hours for live music.

4.10. The following wording has been provided in relation to the site from the Environmental Protection Officer, Katie Smith.

*"With reference to the application to vary the premises licence at The Plough, Plough Road, Great Bentley.*

*The Noise Management Plan (NMP) submitted to this Team for evaluation on 19<sup>th</sup> September 2019, does not provide adequate information in relation to how they are going to manage the noise of the music they are proposing for the external and internal areas. This information is required to ensure the noise is managed to an extent that the neighbouring properties are not going to be adversely affected by noise.*

*The included site plan shows the nearest noise sensitive buildings, but the distance measurements included in the NMP, are in conflict to that of our own mapping systems. The Plough shares a boundary with 2 residential buildings – Rambler Cottage to the East and Coasters to the North East, with several residential properties located to the south of the site also. The distance measurements in relation to noise are measured to and from the boundary, so the indicated distances on the submitted NMP will need to be confirmed.*

*Information pertaining to the type of equipment being utilised in relation to recorded music and positioning of speakers were absent. In addition no information has been supplied concerning the equipment and positioning of the live performances. This information is*



*necessary to be able to ascertain the noise distribution. Mention of a sound limiter was within the NMP, however no levels were given.*

*It is noted that the intention is to cease the playing of live music at 1900 and implied this activity would only take place during "seasonal activities" – can this be elaborated on? Another note was that the beer garden would not be in use past the time of 2100 or dusk – can this be confirmed as to how this will be managed. Will this activity result in patrons using the front area of the premises, adjacent to the residential premises known as Rambler Cottage? Confirmation on these points is required.*

*The issue over "thermal comfort" is one that also requires addressing – the NMP states that all windows and doors will be closed during operation of the venue, but also states there is no air conditioning installed at the site so as to minimise any potential noise to nearby residents – however this statement by its very nature implies that the opening of doors and windows during the performance or playing of amplified sounds, would likely adversely impact the nearby residents by potentially causing a nuisance resulting in the failure to promote the Licencing Objective.*

*In addition to the above, this Service is also aware of several complaints from local residents concerning an alleged noise nuisance emanating from the activities at The Plough.*

*Unfortunately the NMP is unable to evidence to the Environmental Protection Team that the noise from music is able to be managed, we therefore have no option but to formally object to this application based on the likelihood that the proposed activity will cause a nuisance to surrounding residential properties under part P(d) and the licensing objective of The Prevention of Public Nuisance.*

*Should you have any queries concerning this consultation response, please do not hesitate to contact myself, or my colleague James Bates, to discuss further."*

- 4.11. It is understood that the application is for an extension of live music to be operational until 00:00 (currently live music is stopped at 23:00 hours). It is understood, that this extension to time would

bring live music cessation, in-line with the venue's recorded (DJ) music, which is permitted to stop at 00:00, midnight.

4.12. It is not clear, why the local authority, did not permit live music to continue to midnight, when they permitted amplified music too; as typically the speech and music spectral components are very similar in nature, and are thought to attract similar numbers of patrons.

4.13. The noise criteria will therefore be set level with the typical background measured 1 hour nighttime levels. In this case the criteria to be met is a maximum rating noise level of 38dB  $L_{Aeq,T}$  measured at the NSR.

*4.13.1. \*This is calculated from the external measurement location, utilising 23:00-00:00 hours on the Saturday and Sunday night.*

4.14. **BS4142:2014**

4.15. BS 4142:2014 "Methods for Rating and Assessing Industrial and Commercial Sound" presents a method for assessing the significance and possible adverse impact due to an industrial or commercial noise source, based on a comparison of the source noise levels and the background noise levels, both of which are measured or predicted at a noise sensitive receiver e.g. a residential property.

4.16. However, it is important to note that entertainment and music, such as that occurring at The Plough Inn, fall outside the scope of BS4142:2014. The Standard stating:

*"1.3 The determination of noise amounting to a nuisance is beyond the scope of this British Standard.*

*Sound of an industrial and/or commercial nature does not include sound from the passage of vehicles on public roads .... The Standard is not intended to be applied to the rating and assessment of sound from:*

*a) recreational activities*

*b) music and other entertainment;*

*f) people*

*g) public address systems for speech.*

*The Standard is not intended to be applied to ..... the assessment of indoor sound levels"*

## 5. NOISE SURVEY RESULTS

5.1. The ambient and background noise levels at the measurement position as seen in appendix A are provided below and have been based on an analysis of the monitoring data. The time history can be seen in appendix B (TH1-TH2).

5.2. A summary of the internal data results is provided in Table 5.1.

	Ambient Noise Level $L_{Aeq, 5min}$	Typical Background Noise Level $L_{A90, 5min}$
Day (07:00 – 23:00)	74dB*	44dB*
Night (23:00 – 07:00)	73dB*	41dB*
PH Opening Hours (Monday – Thursday: 11:30-23:30 Friday & Saturday 11:30 – 01:00 Sunday 11:30-00:00)	76dB*	62dB*
PH Closed (All day/night times outside of operational hours)	56dB*	41dB*
PH Open Event Timings 19:00 – 00:00	84dB*	79dB*

Table 5.1 Summary of typical internal noise measurement data \*includes -3dB facade noise correction

5.3. A summary of the external data results is provided in Table 5.2.

	Ambient Noise Level $L_{Aeq, 5min}$	Typical Background Noise Level $L_{A90, 5min}$
Day (07:00 – 23:00)	74dB*	44dB*
Night (23:00 – 07:00)	73dB*	41dB*
PH Opening Hours (Monday – Thursday: 11:30-23:30 Friday & Saturday 11:30 – 01:00 Sunday 11:30-00:00)	76dB*	62dB*
PH Closed (All day/night times outside of operational hours)	56dB*	41dB*
23:00 – 00:00 (taken from Saturday and Sunday nights measurement period, no events happening)	42dB*	38dB*

Table 5.2 Summary of typical external noise measurement data \*includes -3dB facade noise correction

5.4. These noise levels are considered normal to the site location. No significant abnormal noise sources were identifiable during installation or collection of the equipment. It is considered that the measured noise levels are reasonable given the location of the measurement position.

## 6. NOISE IMPACT ASSESSMENT

6.1 It is proposed to extend the operational hours for live music from finishing at 23:00 hours, to 00:00 hours. Calculations have been undertaken to gain the specific noise level from the extension of music operational hours by using information provided by the client and internal monitoring data. Due to time constraints in providing the report, it was not possible to measure a 'live music' event. Therefore, a disco event, with DJ playing amplified, recorded music was measured in-situ.

6.2 The internal noise level measured during the event is provide in Table 6.1

	Reference Sound Power/Pressure Level*
'Disco' event	*87 dB

Table 6.1 Measured Event Internal Level

\*Note: no reduction for -3dB for reflections from measured level.

6.3 Table 6.2 lists the sound pressure spectral data for the internal levels taken during the event on Friday 18<sup>th</sup> October 2019.

	Frequency Spectral Data (Hz) at 1m								dB(A)
	LZFeq 63	LZFeq 125	LZFeq 250	LZFeq 500	LZFeq 1000	LZFeq 2000	LZFeq 4000	LZFeq 8000	
'Disco' event	85	87	84	83	83	80	74	68	87

Table 6.2 Spectral sound data

6.4 It is understood that the same speakers are utilised for recorded music and live music, and the setup is in the same location for bands and 'decks' with similar noise levels being produced.

6.5 It is understood that during the event on Friday, there were approximately 100 patrons within the premises. The recorded and live music are set up within the extension to the rear of the site (see appendix C).

6.6 Detailed calculations to predict the noise level of the live music operating at 1metre from the NSR are given in Appendix D.

6.7 There is only a partial line of sight between the plant and the NSR. The building envelope has been conservatively estimated to provide 15dB noise attenuation. This will be accounted for in the calculations. According to BS8233:2014, the façade of a residential dwelling; with a window partially open for ventilation offers 15 dB attenuation.

6.8 A distance calculation has been undertaken from the internal noise levels to the NSR's. Due to the extension of the operational hour being between 23:00 – 00:00 hours, the distance calculation has been undertaken to 1m from the NSR's façade.

6.9 In order to meet the noise criteria of 38 dB(A) at the NSR, the proposed venue/operation of live music requires mitigation.

#### **6.10 Mitigation Measures:**

6.11 It is recommended that an Electronic Noise Limiter is installed in the premise. An electronic noise limiter works by limiting noise levels from music. They work by either tripping/cutting music levels once they have reached a calibrated/set level; or if funds permit, a more upmarket type of noise limiter, will electronically buffer frequency levels creating the music. This means, that that whatever is done with the volume/gain control, the music cannot be pushed above a pre-set electronic level; thus when a limit is hit, music is able to continue, but cannot exceed a pre-set level. It will not let music raise in volume, even if the musicians play louder. We would recommend that both live and recorded amplified music amps and speakers plug into the electronic noise limiter.

6.12 As seen from the measured data and illustrated in the time histories (TH1-2). It is strongly recommended that the electronic noise limiter is properly calibrated once installed. It is recommended that calibration is undertaken by an appropriately qualified acoustician and that a Calibration certificate shall be produced for submission to the local authority. It is also recommended that the local authority be offered the opportunity to attend the Calibration and/or agree either an internal noise limit level or a boundary limit.

6.13 Based on the internal and external noise levels measured, it is considered that the electronic noise limiter shall need to be capped lower than the current emitted levels. Based on assessed levels, it is considered that an absolute minimum reduction by approximately 5dB, shall be necessary thus setting a maximum cap noise level of approximately 82dBA. However, it should be noted that the specific level should be determined after install of electronic noise limiter; and the particular noise level

determined and then set based on microphone location and distance to live band position. It should also have regard to the closure of doors and other amelioration measures mentioned below.

6.14 Given the period of the PH's construction, it is understood that the premises is a Grade II listed building; and therefore limited remedial work can be undertaken. The following advice is given with the limitations of Grade II listing in mind, thus not all recommendations may be possible;

6.14.1 We recommend installing a double door system to the main door at the front of the façade, and requesting patrons to use the main front door during music events.

6.14.2 We also recommend that the external beer garden is closed after 9pm or dusk (during the summer) when live events are being held, with staff shutting the beer garden, and moving patrons inside to reduce noise levels produced externally. This would also ensure that the doors closest to the residence on the east façade remain closed.

6.15 It was noted that there was a 6ft fence surrounding the rear pub garden, which was in good condition. This will help to reduce noise levels to the neighboring premises. The fence will need to be kept in good order to help reduce noise levels in the neighboring external amenity area.

6.15.1 The fence could be upgraded to an acoustic fence.

6.16 Detailed calculations to predict the noise level of the plant at 1metre from the NSR are given in Appendix D. The rating noise level at 1m from the NSR1 currently is **42dB L<sub>A90</sub>** and **4dB(A) above** the assessed background noise level (38dB L<sub>A90</sub>). The rating noise level at 1m from the NSR2 currently is **41dB L<sub>A90</sub>** and **3dB(A) below** the assessed background noise level (38dB L<sub>A90</sub>). The rating noise level at 1m from the NSR3 currently is **40dB L<sub>A90</sub>** and **2dB(A) below** the assessed background noise level (38dB L<sub>A90</sub>). In accordance with the NPPF 2019 guidance this would be a 'Low Observed Adverse Effect Level'. With the installation of the recommended electronic noise limiter, and calibrated by a qualified acoustician, then the effect level, could be reduced to No Observed Effect Level.

6.17 British Standard 8233:2014 '*Sound insulation and noise reduction for buildings – Code of Practice*' gives recommendations for acceptable internal noise levels in residential properties. Assuming worst case conditions, of the closest window being for a bedroom, BS8233:2014 recommends 30dB(A) as being acceptable internal resting/sleeping conditions during night-time. According to BS8233:2014, the façade of a residential dwelling; with a window partially open for ventilation offers 15 dB

attenuation. Therefore, taking into account this reduction for a partially open window the internal noise level with the extended operable house would be 27dB (A) which is lower than the acceptable internal noise level as seen under BS8233: 2014; and significantly lower than the background.



## 7. UNCERTAINTY

- 7.1 The levels of uncertainty in the data and calculations are considered to be low given the robust exercise undertaken in noise monitoring and the confidence in the statistical analysis.
- 7.2 All measurements taken on-site by instrumentation are subject to a margin of uncertainty. This is relatively small, with a sound level meter manufacturer's margin of uncertainty at +/-1.1dB. It is due to the tolerances associated with the Class 1 sound level meter and calibrator equipment used to measure background.
- 7.2.1 The meter and calibrator used have a traceable laboratory calibration and were field calibrated before and after the measurements.
- 7.3 Manufacturers' data for the plant is likely to be robust. Detailed calculations and resultant noise levels at the residential location are considered to be confidently predicted.
- 7.4 Uncertainty in the calculated impact has been reduced by the use of a well-established calculation method.

## 8. CONCLUSION

- 8.1. A noise assessment has been undertaken at The Plough Inn, Plough Road, Great Bentley, Colchester, Essex CO7 8LA. The noise survey was undertaken at two fixed monitoring points, one internally gaining the internal noise levels during an event and one representative of the nearest noise sensitive receptors.
- 8.2. Following on-site measurement of pre-existing noise levels, calculations have been made of the noise rating level of the proposed plant at the NSR. From this assessment, together with information from the plant manufacturer, the potential noise impact has been determined.
- 8.3. Noise levels from the premises for the extended hour at the NSR are predicted to be **42dB L<sub>Aeq</sub>**, this is **4dB above** the noise criteria. Therefore, noise mitigation is recommended. Given that the PH is Grade II listed, it is recommended that noise mitigation in the form of an Electronic noise limiter is installed. Once installed, the noise limiting device shall need to be properly calibrated by an appropriately qualified acoustician and a Calibration certificate issued.
- 8.4. It is predicted that a maximum cap on amplified noise level of 82dBA is likely. However, this level must be set, once the electronic noise limiter is installed. In order to determine distance of microphone to live band position. With the mitigation incorporated as stated herein and the electronic noise limiter appropriately calibrated, the noise levels would be expected to be a **'No Observed Effect Level'**.
- 8.5. Considering the results of the noise survey, the illustrative layouts and the calculations, the predicted resultant noise levels from the proposed plant are predicted to meet appropriate and reasonable guidance and the relevant noise criteria. Therefore, an adequate level of protection against noise for occupants of the nearest noise sensitive receptor is afforded; including when factoring in potential uncertainty.

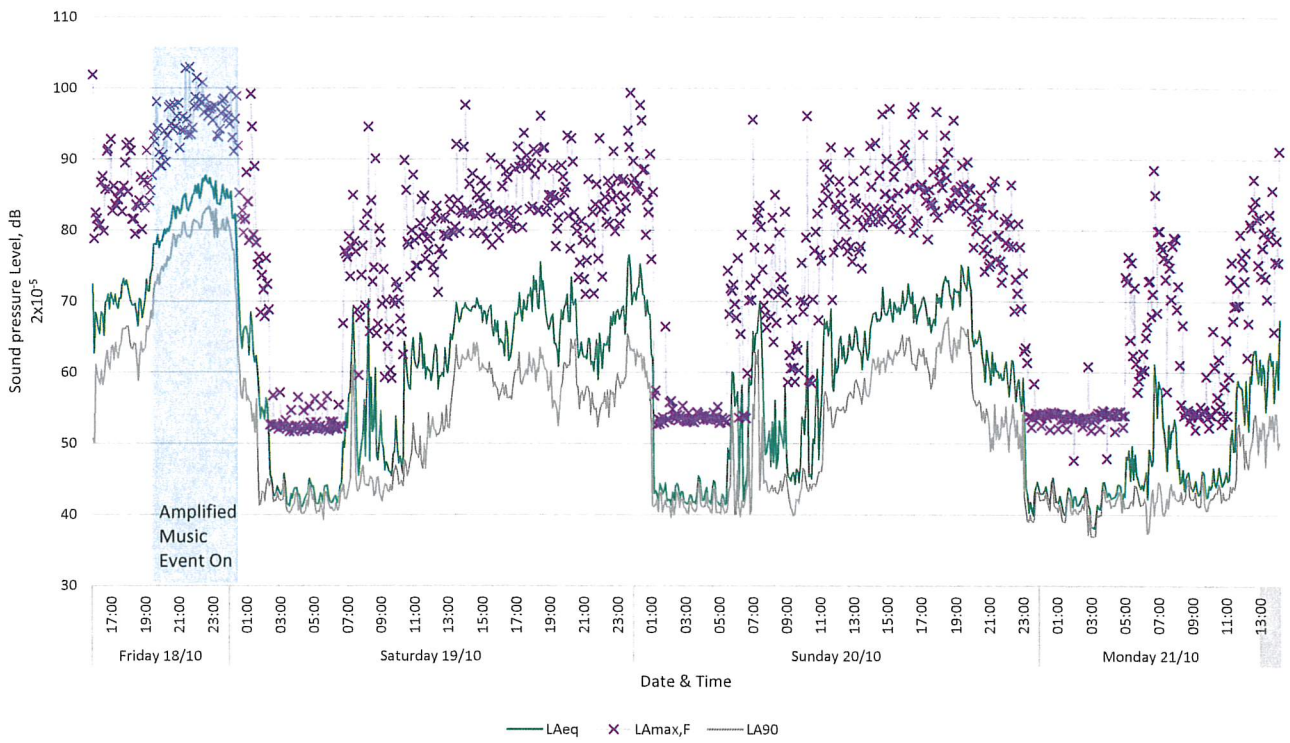


**Key:**

- Noise Monitoring Position 
- Noise Sensitive Receivers 
- Site Boundary 

Appendix B - Time History 1 (TH1)

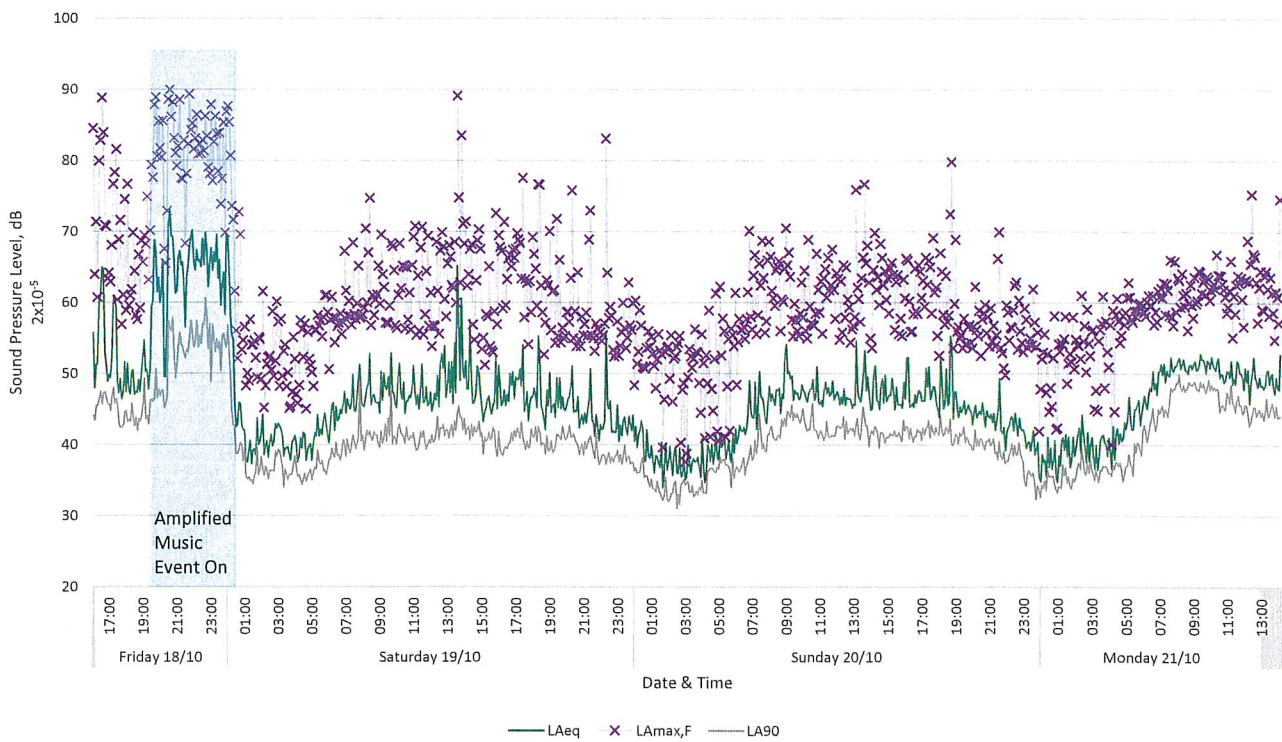
Plough Inn, Plough Road, Great Bentley, Colchester  
Friday 18<sup>th</sup> October 2019 - Monday 21<sup>st</sup> October 2019  
Internal - NMP1





Appendix B - Time History 2 (TH2)

Plough Inn, Plough Road, Great Bentley, Colchester  
Friday 18<sup>th</sup> October 2019 - Monday 21<sup>st</sup> October 2019  
External - NMP2

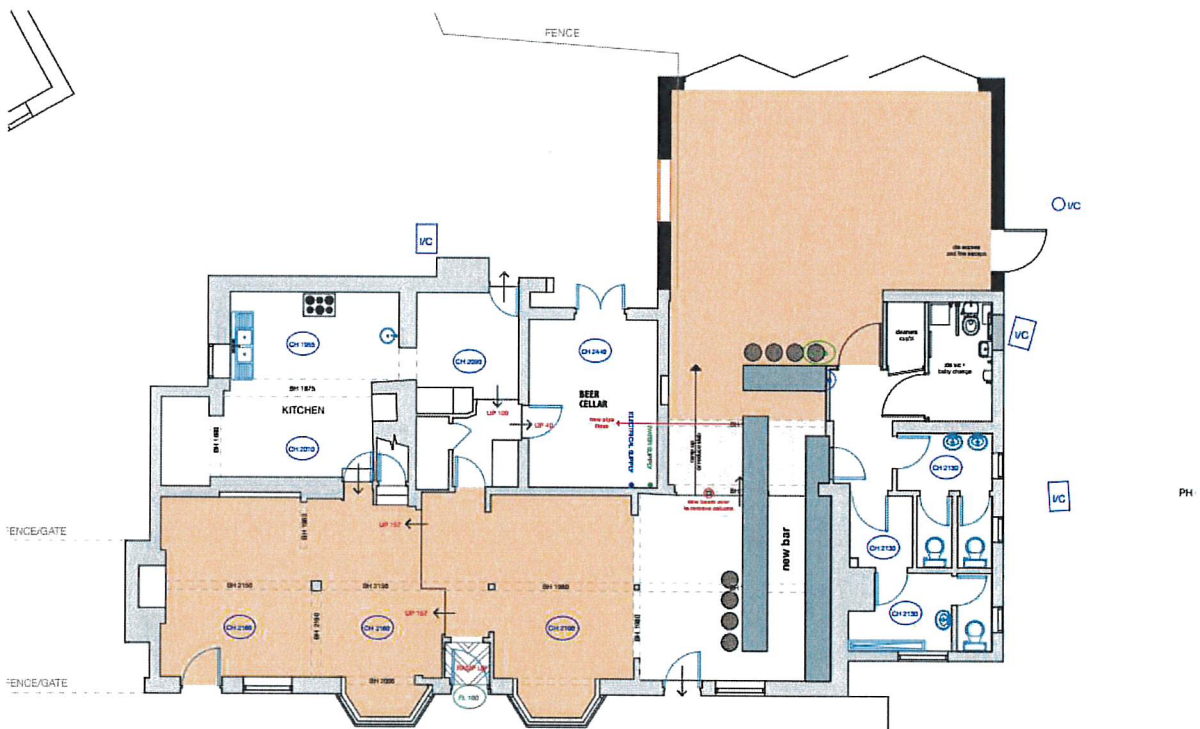


Appendix C1 – Site Drawings



**NOTES:** 1. All work shall be in accordance with the relevant standards and specifications. 2. All work shall be completed in accordance with the relevant standards and specifications. 3. All work shall be completed in accordance with the relevant standards and specifications. 4. All work shall be completed in accordance with the relevant standards and specifications. 5. All work shall be completed in accordance with the relevant standards and specifications. 6. All work shall be completed in accordance with the relevant standards and specifications. 7. All work shall be completed in accordance with the relevant standards and specifications. 8. All work shall be completed in accordance with the relevant standards and specifications. 9. All work shall be completed in accordance with the relevant standards and specifications. 10. All work shall be completed in accordance with the relevant standards and specifications.

Appendix C2 – Site Drawings



Proposed GA  
Scale 1:500  
Date 15/05/2014  
Sheet 1 of 1



Appendix D - HA Calculations

Noise Sensitive Receiver 1

Source: 1x Event Level

	Frequency Spectral Data (Hz)								
	63	125	250	500	1000	2000	4000	8000	dB(A)
Music vent*	85	87	84	83	83	80	74	68	87
Mitigation provided by building façade	-15	-15	-15	-15	-15	-15	-15	-15	
Distance attenuation (30m)	-30	-30	-30	-30	-30	-30	-30	-30	
<b>Calculated level at Receiver 1</b>	<b>40</b>	<b>42</b>	<b>39</b>	<b>38</b>	<b>38</b>	<b>35</b>	<b>29</b>	<b>23</b>	<b>42</b>

\*levels extrapolated from 'disco event'

Typical Background Level	38
Low Observed Affect Level	

BS8233: Internal Night Time Levels

	Frequency Spectral Data (Hz)								
	63	125	250	500	1000	2000	4000	8000	dB(A)
Calculated level at NSR	40	42	39	38	38	35	29	23	42
Partially Open Window Attenuation	-15	-15	-15	-15	-15	-15	-15	-15	
Calculated level in Internal Receiver	25	27	24	23	23	20	14	8	27

BS8233 Night Time Criteria	30
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**Noise Sensitive Receiver 2**

Source: 1x Event Level

	Frequency Spectral Data (Hz)								dB(A)
	63	125	250	500	1000	2000	4000	8000	
Music vent*	85	87	84	83	83	80	74	68	87
Mitigation provided by building façade	-15	-15	-15	-15	-15	-15	-15	-15	
Distance attenuation (37m)	-31	-31	-31	-31	-31	-31	-31	-31	
<b>Calculated level at Receiver 2</b>	<b>39</b>	<b>41</b>	<b>38</b>	<b>37</b>	<b>37</b>	<b>34</b>	<b>28</b>	<b>22</b>	<b>41</b>

\*levels extrapolated from 'disco event'

Typical Background Level	38
Low Observed Affect Level	

**BS8233: Internal Night Time Levels**

	Frequency Spectral Data (Hz)								dB(A)
	63	125	250	500	1000	2000	4000	8000	
Calculated level at NSR	39	41	38	37	37	34	28	22	41
Partially Open Window Attenuation	-15	-15	-15	-15	-15	-15	-15	-15	
<b>Calculated level in Internal Receiver</b>	<b>24</b>	<b>26</b>	<b>23</b>	<b>22</b>	<b>22</b>	<b>19</b>	<b>13</b>	<b>7</b>	<b>26</b>

BS8233 Night Time Criteria	30
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**Noise Sensitive Receiver 3**

Source: 1x Event Level

	Frequency Spectral Data (Hz)								dB(A)
	63	125	250	500	1000	2000	4000	8000	
Music vent*	85	87	84	83	83	80	74	68	87
Mitigation provided by building façade	-15	-15	-15	-15	-15	-15	-15	-15	
Distance attenuation (40m)	-32	-32	-32	-32	-32	-32	-32	-32	
<b>Calculated level at Receiver 1</b>	<b>38</b>	<b>40</b>	<b>37</b>	<b>36</b>	<b>36</b>	<b>33</b>	<b>27</b>	<b>21</b>	<b>40</b>

\*levels extrapolated from 'disco event'

Typical Background Level	38
Low Observed Affect Level	

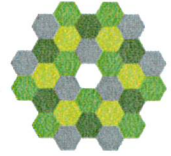
**BS8233: Internal Night Time Levels**

	Frequency Spectral Data (Hz)								dB(A)
	63	125	250	500	1000	2000	4000	8000	
Calculated level at NSR	38	40	37	36	36	33	27	21	40
Partially Open Window Attenuation	-15	-15	-15	-15	-15	-15	-15	-15	
<b>Calculated level in Internal Receiver</b>	<b>23</b>	<b>25</b>	<b>22</b>	<b>21</b>	<b>21</b>	<b>18</b>	<b>12</b>	<b>6</b>	<b>25</b>

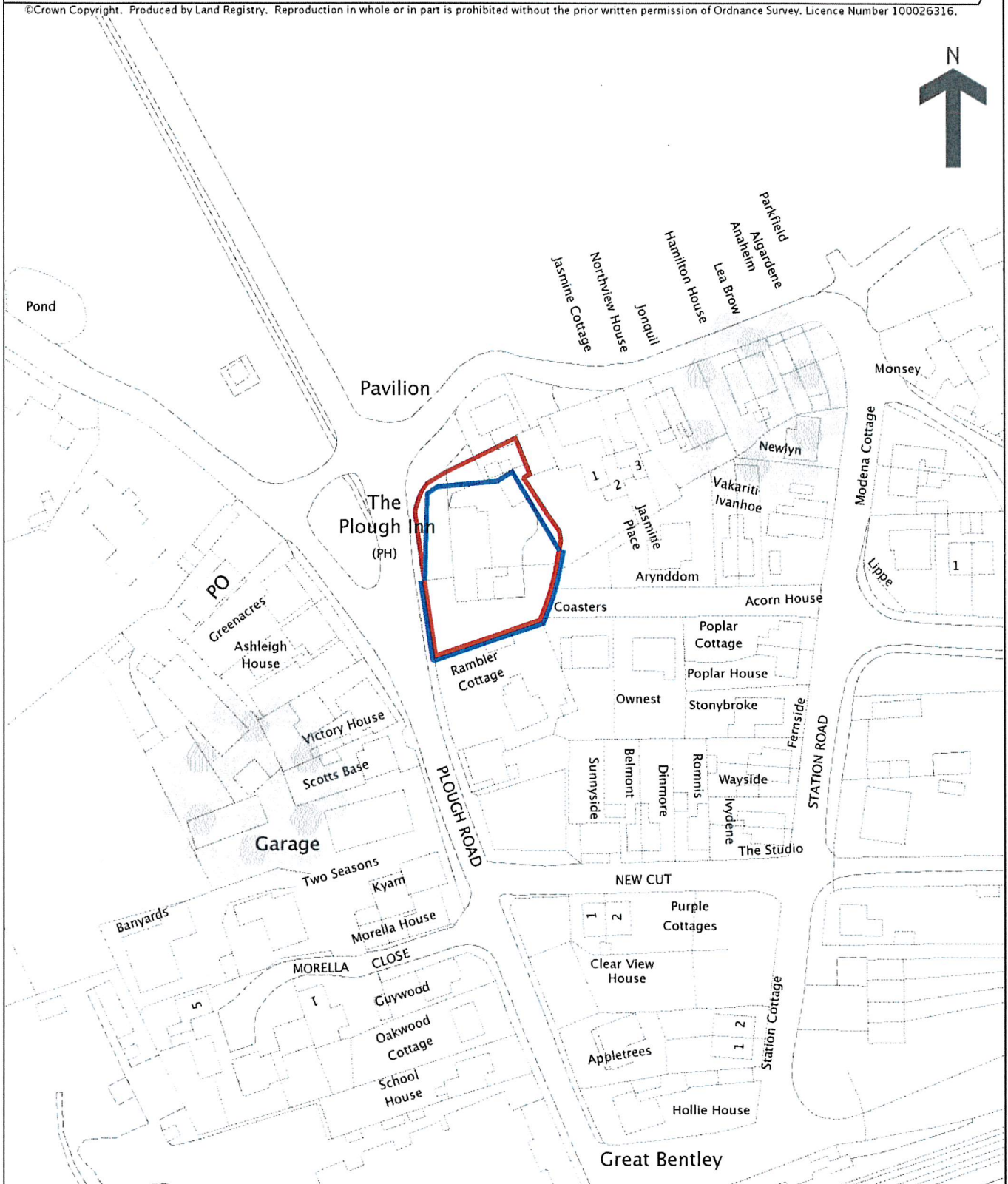
BS8233 Night Time Criteria	30
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Land Registry  
Official copy of  
title plan

Title number **EX502689**  
Ordnance Survey map reference **TM1121NW**  
Scale **1:1250**  
Administrative area **ESSEX : TENDRING**



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# The Plough Noise Management Plan

## Site Description

The Premises is known at The Plough Pub Great Bentley. The property is based in the centre of the village and is licensed for the sale of Alcohol on and off the premises.

The site plan is attached to this document showing a residential property 15 meters to the right of the premises from the front door of the pub and three residential properties 13 meters front the front door of the pub opposite the premises. The nearest residential property to the rear of the pub is 10 meters from the rear doors of the pub. These are the only properties that would be considered to be most at risk from noise disturbance.

The main road that the pub and the residential properties are positioned on is a busy road throughout the day and evening.

The Pub is classed as a village pub that strives for a welcoming low-key atmosphere where patrons can come for a quite beverage have a meal and a chat.

## INTRODUCTION

The venue is committed to develop and maintain good relations with local residents, neighbours and local authority. The objective of this policy is to minimise disturbance to local residents and to ensure that any licensing objectives or other controls at the pub are being upheld. This policy sets out the measures which have been considered and will be adopted.

## GENERAL

The premises will be open to the public between the hours of 10.00 and 24.30 Monday-Thursday and Sunday's. 10.00 – 01.30 Friday, 10.00- 01.30 Saturday.

Customers will not be admitted to premises outside of opening hours.

There shall be no readmission to the premises 15 minutes before closing.

The licence holder shall make available and regularly promote a contact number for local residents to contact the premises to discuss any specific incidents or concerns either during or after events. The contact number will be posted to all nearby residents, and displayed in the window at the front of the premises. The number will be manned at all times and any action taken as a result of the complaint should be recorded and kept.

Customers will be permitted to use the front and rear of the premises (when the rear of the premises is open to Customers under the terms of this policy) if they wish to

smoke. This will give staff vision on the numbers gathered, and allow constant monitoring.

To prevent unsatisfactory numbers gathering outside, staff will make requests for customers to return inside, or move on.

Steps will be taken to educate regulars on the limited area for smokers. Two members of staff will be on premises at all times; this allows one member of staff to manage the Bar, whilst the other manages the customers.

Furthermore, no smoking shelter will be provided to help reduce noise from patrons outside the premises.

## **PROVISION MUSIC**

Currently our license permits the following music to be played,

Live music Friday's and Saturday's 20.00 to 23.00  
Performance of recorded music 10.00- 00.00 Monday – Thursday's. 10.00-01.00  
Friday's and Saturday's and 12.00- 00.00 Sunday's.  
Provision of facilities for dancing 20.00 – 00.00

The provision of background music shall be permitted at any time the premises is open to the public. By definition this is music or other audio played whose main function is to create an atmosphere suitable to a specific occasion rather than to be listened to and is incidental to speech and conversation.

The provision of live music will be permitted during the licensed hours.

## **Noise control management**

### **EVENTS**

Save for the four occasions in the year where live music is played in the garden, it shall be our policy to ensure that sound levels at the nearest noise sensitive premises (noise sensitive receptor: NSR) shall not exceed 38 decibels (dB) (the typical background noise level absent abnormal noise).

We shall achieve our policy by implementing the following measures when live or recorded music is played on the Premises:

1. The application of an Electronic Noise Limiter to cap noise emissions within the Premises at 82 dB
2. The rear bi-fold doors and all windows shall be kept closed at all times (including for access and egress to and from the premises) when live or recorded music is played inside the Premises. This policy shall be monitored by a responsible member of staff. Save for fire escape, during the course events at which live or recorded music is played all windows shall be kept closed and no door shall be used for access to and egress from the premises

- other than the front door which, save for that access and egress, shall be kept closed;
3. Musical equipment and, in particular, speakers shall be positioned within the Premises, so far as is possible, to direct sound to the interior of the premises and to minimise noise escape
  4. A sound assessment using a recognised [device] shall be undertaken on the perimeter of all noise sensitive premises within 30 minutes of the start of a live or recorded music event and on such further occasions during the event as the duty manager deems necessary and the time and location of a reading for each noise sensitive premises shall be recorded.
  5. Staff will actively encourage the gradual dispersal of customers to minimise nuisance. During the last 20 minutes of trading the following strategies will be implemented to encourage the gradual dispersal of customers. These include:
    - a. the gradual increase in ambient lighting levels and playing of music of slower content and reduced volume.
    - b. Music will stop playing 5 minutes before the license times of the premises.
    - c. A member of staff will be positioned in an area close to the main exit to oversee the end of night departure period.
    - d. Customers will be encouraged to be considerate upon leaving the premises.
    - e. Customers shall not leave the premises other than by the doors to the front of the premises.
    - f. Customers will be asked not to stand around loudly talking in the street outside the premises. Communication will be made with taxi companies regarding the use of horns and slamming of doors.
  6. Non-alcoholic beverages (water) supplied to patrons free of charge prior to departure from premises to aid in noise reduction.
  7. Patrons will be prohibited from congregating at the rear of the premises or in the Car park. Those congregating outside the front of the Premises will be monitored and may be asked to return into the Premises or to leave the area.

## **ENTERTAINMENT IN THE GARDEN AND PARKING AREA**

1. There shall be no more than 4 live music events in the garden and parking area in any calendar year.
2. On the four occasions in the year where live music is played in the garden, it shall be our policy to ensure that noise levels at the perimeter of neighbouring properties does not exceed 76 decibels (dB). This is the Ambient noise level during the normal opening hours for the Premises and considered normal to the site location;
3. Recorded music shall not be played into the garden and parking areas;
4. Live music shall not be played in the garden and parking area beyond dusk or 1900, whichever shall be the later;
5. Save for the parking and removal of vehicles and any ancillary activities related thereto, the Garden and Parking areas shall not be available to patrons of the public house after dusk or 2100 which ever shall be the later;

## GENERAL NOISE NUISANCE

1. Patrons congregating outside the Premises will be monitored and their noise emissions assessed. If, in the opinion of a responsible member of staff, the noise emanating from individuals or groups is likely to disturb the occupants of neighbouring premises the individuals or groups may be asked to return into the Premises or to leave the area.
2. Records will be kept of any noise complaints in a log book which will be available to all local authorities. Routine monitoring will be regularly conducted around the perimeter of the premises during opening hours. Details of checks, observations and any actions taken as a result of such shall be recorded. A noise log book kept on the premises and maintained by management and be available for inspection by the Local Authority upon request. Monitoring will be conducted by individuals who have not had prolonged exposure to loud music.
3. Prominent, clear and legible notices will be displayed at the exits requesting the public to respect residents and to leave the premises and the area quietly.
4. Car park on premises only has three car parking spaces so noise levels from patrons in the car park will be lower. Employees to check all the exterior of the premises for increased noise by patrons leaving in their vehicles.
5. No marquees will be erected on the premises and there will be no fire work displays.
6. Outdoor lighting to be checked that the glare and over spill does not affect neighbouring properties
6. Employees to check all external areas and public areas for litter. This will be disposed in the bins provided at the premises.
7. Employees to arrive and depart from the premises in a quiet manner.
8. Delivery and Collection of goods or refuse conducted between 8am and 5pm during normal working days.
9. All staff will be made fully aware and conversant with the noise management policy and procedures
10. Customers will be encouraged to leave quietly and to respect the neighbours, particularly with regard to loud conversations and the slamming of car doors. A record will be made of any serious offenders and repeat offenders will be warned that they may be excluded from the premises if they do not demonstrate respect for the neighbours. Customers will be monitored as they leave the Premises. Where appropriate they will be asked to disburse.



11. Communication will be made with taxi companies regarding the use of horns and slamming of doors.

The noise management plan will be reviewed at least annually or as agreed appropriate to ensure that it is streamlined and effective. New and innovative approaches to problem solving or incidents and any lessons learnt will be incorporated accordingly. We should consider this a live document which evolves by experience in agreement with the Authority

**COMMITMENT**

We the undersigned commit to ensuring this noise management plan is implemented and maintained at all times for the duration of operation of our premises. We understand that it forms a key part of our Licence to operate, and that departure from it could lead to curtailment or loss of said operating Licence:

.....

.....

.....

.....

Tuesday 1<sup>st</sup> October 2019

**Variation of License for extended Live Music**

Dear Sir/Madam,


We are writing to you regarding the 'Plough Pub' in Great Bentley and their application to extend their licence for live music. We would like to show our support for this application.

We live opposite the pub and have two young children, we have had no concerns of noise when music has been played. We occasionally use the pub on music events and find that this draws a lot of the local community together. We have never been told of any noise issues by any of the local community in the last 15 years I have resided in the village.

We would also like to point out the staff and Management are very proactive to support the local community and always ensure that their needs are catered for and we feel the works that have been made by the new owners are a vast improvement for our village pub we almost lost.

We will continue to support our local pub and events held there for the enjoyment of our community. The village would not be the same without it.

Yours Sincerely



Mr T Wright

Dear Sir/madam

Firstly I would like to start by saying I am a previous owner of the pub and it is with no surprise to me that there have been complaints re: Noise levels and I am sure I know whom these complaints are from, because I also had the same neighbour complain when I had the pub 7 years ago. I believe they have it out for the pub and I do not know why, but the pub has been part of this village for over 400 years, so if you have a problem with public houses, 'Why buy a property next to one'?

I now live next to the pub and I have never had a problem with the noise, I am also a very light sleeper and work early on Saturdays. I can assure you if I did have an issue with noise I would be the first to notify the pub of this, as an ex publican myself.

The new owners have done an amazing job updating the look of the pub whilst ensuring the character remains and for that I take my hat off to them. One final comment to make, 'Long Live the Local'.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'S. Burgess', written in a cursive style.

Mr S. Burgess

26<sup>th</sup> September 2019

To whom it may concern;

I have been working at 'The Plough Pub' in Great Bentley, for the past four years. I have worked with the previous owners and the current owners and I have found that the pub is managed a lot better than the previous owners in terms of community, staff and patrons.

Management enforce a strict approach to noise levels and their neighbours, which is why I was shocked to hear there had been complaints of this. It is a real shame there are certain individuals trying to taint the pubs reputation. "Where is your community spirit"? On a whole Great Bentley have a fantastic community spirit and it is a delight to see so many smiley faces when working, this shows me that I am doing my job properly and we are pleasing the local community.

When I am on shift and music is being played, I always ensure doors are kept closed and customers are also informed of this. We have a policy at the pub of monitoring sound levels with a sound meter at the boundaries of the pub. These are recorded on our music log. If the sound levels are high the music is turned down immediately.

We also have a complaints log in process and since the new owners have taken over, we have only received 2 noise complaints which were dealt with immediately with the appropriate actions.

As a mother of 2 young children I fully understand the process to keep noise levels under control caused by music events or customers.

Faithfully Yours

A handwritten signature in cursive script, appearing to read "Joanne Costello".

Joanne Costello

28<sup>th</sup> September 2019

**Letter reference Variation of License**

Licencing Officer

I have been using the pub in the last forty years and I have seen many changes in these years to this pub. I normally use the pub during the week and occasional weekends. Since the new owners have taken over there has been a vast improvement to the pub and all for the better may I add. I have been to music events at the pub and never had to complain about the music volume. It is so nice to see new faces since the reopening and local villagers using the pub more. I would also like to mention my friends and family are now using the pub, so this is bringing in more people to the village.

Regards



Mr Robert Gee



**Petition in Favour of The Plough  
'Variation of Premises' License**

**Date:**

9<sup>th</sup> October 2019

**Petition Organiser:**

Mrs Alison Reed

**Address:**

The Plough  
Plough Road  
Great Bentley  
CO7 8LA

**Telephone number:**

01206 255 242

We, the undersigned support the application of a 'Variation of Premises' License to extend Live music until 00:00 on Fridays and Saturdays including music on Sundays between 16:00-19:00.

Name	Address	Signature
K. TINGAY	Two Seasons Plough Road, Great Bentley CO7 8LD.	<i>[Signature]</i>
R. Patey	Great Bentley Country Park.	<i>[Signature]</i>
M. Allen.	Great Bentley Country Park.	<i>[Signature]</i>
M. Kerridge	Oak view streams Road	<i>[Signature]</i>
R. Gee	15 Pine Close	<i>[Signature]</i>
IS GIBB	— " —	<i>[Signature]</i>
A K Kerridge	Oak view streams Road	<i>[Signature]</i>
C Kerridge	" " "	<i>[Signature]</i>
A TINGAY	6 HALLVIEW RD	<i>[Signature]</i>

Name	Address	Signature
KEVIN WESSON	6 BIRCH AVE	
STEVE CARNHAM	STURRICK LANE	
C. WOODWARD	7 CHERRYWOODS	
M. EAVEJ	MEADOWLANDS, CO7 8NB	
S BURGESS	CLEARVIEW HOUSE	
J. VECCHIERI	38 DEVON	
B. JOSTE	THORRINGTOWN	
B. PAM	VANCOUVER CO16 9AE	
R. JOSE	DUSTYFULT GIB	
	Samuel Day	
Tony Wright	Two Seasons	
R Jackson	ST OSYTH	
A NORFOLK	NARWICH, FERBOX	
M. Shadden	Nivara St. Maryshead Angers Green Green Bentley	
C W BEARD	GT BENTLEY	
D BALDWIN	THE GREEN ST BENTLEY	
R. CLARK.	ELMSTAD MARKET.	
A TURNER	KRATING	
Number of signatures on page		18

Name	Address	Signature
Sofia Roy	FRATING	
POLLY THOMPSON	Gt Bentley	
JULIE TWEDDIE	CLACTON	
W. Evans	BENTLEY	
M. Evans	St. Bentley.	
N STONE	Gt Bentley	
ADAM DILLY	"	
Jo Costello	Great Bentley	
Aimee Patel	Great Bentley	
Daniela Knappett	Great Bentley	
Zach Gillespie	St. Osyth.	
Zoe Parish	Elmstead Markt	
FRANK PARISH	" "	
SEATON	TRAILER PARK	
LOUISE PARISH	GT. BENTLEY	
BILL PARISH	"	
Corrie-Leigh CAMPION	Little Clacton	
kai neill	Gt Bentley	
Number of signatures on page		

H gilders

Gt Bentley

Hazza

M gilders

Gt Bentley






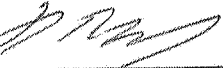


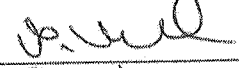






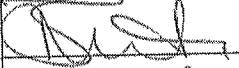
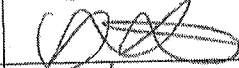
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K gilders



Gt Bentley

K gilders

We, the undersigned, support the application of a 'Variation of Premises License' to extend live music until 00:00 on Fridays and Saturdays, including music on Sundays between 16:00 – 19:00.

Name	Address	Signature
Ashley Bright	Brightlingsea	
S. FORDINGHAM	Brightlingsea	
Ferdie Bright	Brightlingsea	
C. Dulai	Thorrington	
S. J Reed	Great Bentley	
Donnic	London	
D. BRANDON	<del>WENTLEY</del> BENTLEY	
P. Miles	Alresford	
C. M. Llewellyn	Alresford	
P. Hopley	ALRESFORD.	
A. Scares	GT Bentley	
M. GILES	"	
D. Giles	The Green GT Bentley	
N. Denton	GT Bentley	
J HEARSWELL	STURRICK LN, GT BENTLEY	
T. SMITH	GT BENTLEY	
Z. Kerridge	GT Bentley	
L. Hamilton	GT Bentley	L. Hamilton
Number of signatures on page		

We, the undersigned, support the application of a 'Variation of Premises License' to extend live music until 00:00 on Fridays and Saturdays, including music on Sundays between 16:00 – 19:00.

Name	Address	Signature
A BLOOMSBURY	8 NEWMAN fields	
MT	Great Bentley	
Number of signatures on page		



























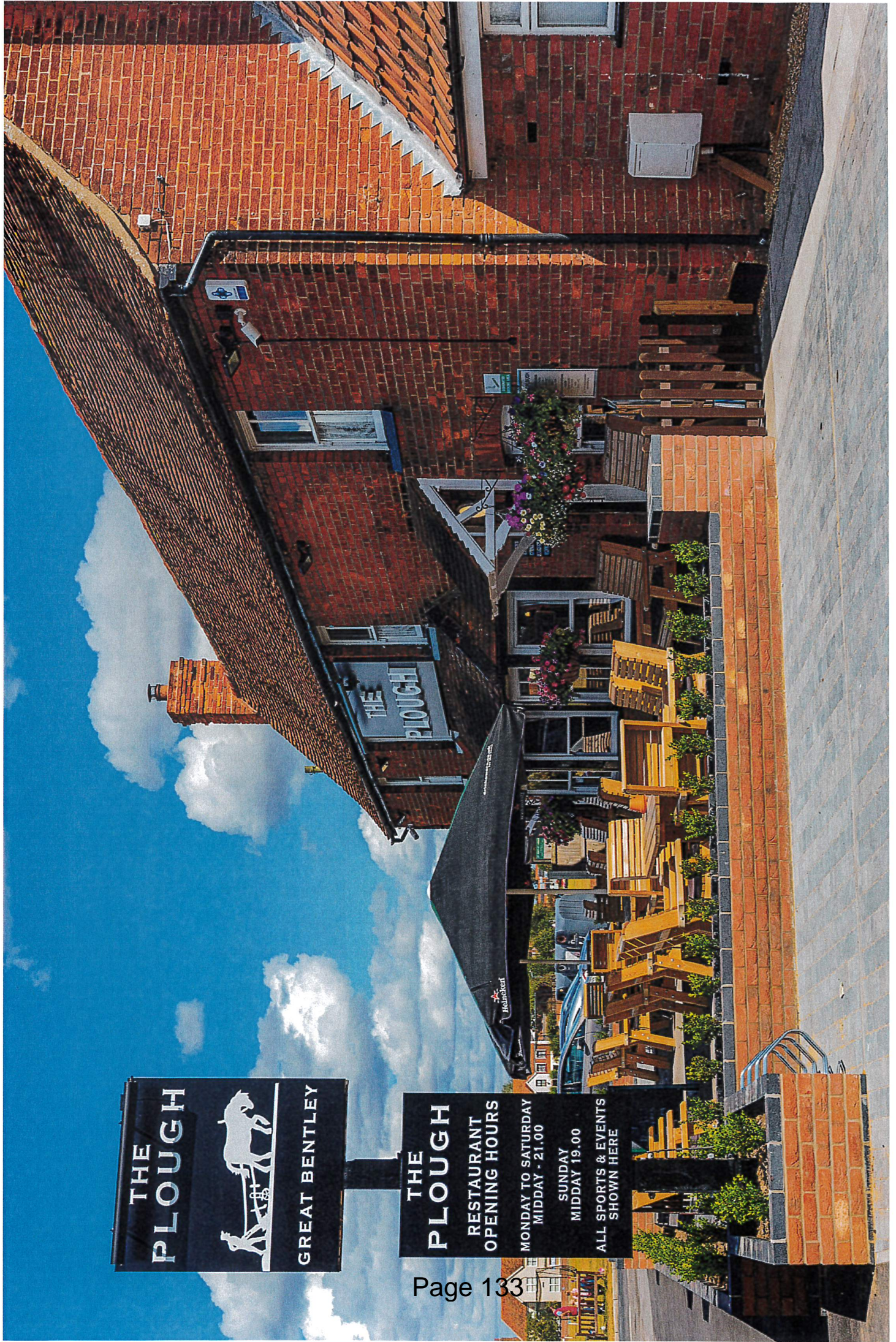




THE  
PLOUGH  
GREAT BENTLEY



THE  
PLOUGH  
RESTAURANT  
OPENING HOURS  
MONDAY TO SATURDAY  
MIDDAY - 21.00  
SUNDAY  
MIDDAY 19.00  
ALL SPORTS & EVENTS  
SHOWN HERE





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