

3) The Prevention of Public Nuisance

• **Noise Disturbance History**

Prior to the last change of ownership, no noise disturbance had occurred in over 30 years. Since the current Woodmans Arms owner took over and developed the external area, Fellside residents have suffered noise nuisance from both live and recorded music. This started to occur repeatedly during the summer of 2019. It last occurred Tuesday 23/6/20.

During summer 2019, when the issue occurred repeatedly, we approached the pub manageress. We were advised that the council had set a decibel level and that this had inadvertently been exceeded. We sought advice from local councillors and reported the issues via the council website

<https://www.gateshead.gov.uk/article/8060/Report-a-noise-complaint>

Environmental Health investigated and Lisa Bainbridge replied by email at 18:08 on 27/7/19 advising that she and licensing had met with the pub manager Chris and advised him that the premises licence excluded outdoor entertainment. The issue then ceased until 23/6/20. When we then contacted the pub manager, he advised that *'this wouldn't be us going forward'*. At that point, we were unaware that a revised licence application was in progress.

The current COVID-19 situation now precludes loud external recorded and entertainment, so the issue has not recurred since 23/6/20.

• **External Entertainment**

IR3: Fellside Residents oppose any variation to the existing external entertainment licence.

Whilst we are not sighted on the Licensing Act 2003 licence variation application form, from the disturbance history above, it is evident that no external entertainment licence exists currently. From the history, it is also evident that should one be applied for and granted, the adjacent residents right to peaceful enjoyment of their possessions would be removed, infringing their Human Rights and resulting in prolonged conflict resolution for all involved.

Although full application details, economic justification and licensing mitigations have not been published by the council, if a variation to the existing External Entertainment License has been applied for, given that external sound travel is reliant on wind direction, it is difficult to see how any sound resistance measure or any procedural management regime could be effective. The rear garden of North Cottage, the closest residence is just 50 metres away from the existing Woodmans Arms building entrance, outside which the external area is located. The furthest resident, Bird Hill, said *'it must be really bad for you guys being just across the road, we can hear them up here when we are outside, the music is like an echo chamber'*. All Fellside parents, children and grandchildren have already had their rights to peaceful enjoyment affected as a result of unregulated external live and recorded entertainment at the Woodmans arms. Any application to permit this appears irresponsible at best and opportunist/vexatious at worst.

Because the content of communications from the pub managers has been unreliable and the workforce is predominately part time teenagers, we would have little faith in responsibilities for any manual operational procedures being upheld.

It appears that the most external entertainment that could reasonably be permitted would be recorded background music, at a volume level tested to be inaudible at the

site boundary.

- **Internal Entertainment**

IR4: Fellside Residents have no objection to a variation to allow internal live and recorded entertainment within the new function building only, provided that Sound Resistance measures are conditioned as per the council's licensing policy, such that the sound is inaudible at the site boundary, and therefore, that our right to peaceful enjoyment is met

e.g. 'adoption of best practice guidance (e.g. *Good Practice Guide on the Control of Noise from Pubs and Clubs*, produced by the Institute of Acoustics, Licensed Property: Noise, published by BBPA); installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices'

- Please see paragraphs 8 & 9.

Since Environmental Health are unable to set conditions, we assume that primary responsibility for setting conditions for sound resistance measures and related testing rests with the council's licensing authority. If this is not the case, could the licensing authority please revert with clarification.

- Note that the implementation of sound resistance measures will be beneficial for the business as well as for residents. Restaurant customers will not stay if their conversation is drowned out by noise from the function room.

- **Operating Schedule: Ingress and Egress and General External Operational Noise Disturbance**

IR5: Fellside Residents oppose any extension to the existing Operating Schedule periods, on the basis that this would result in only marginal business benefit, but would introduce a significant late-night residential amenity impact, contrary to ECHR Articles 1 & 8.

- In Planning Application DC-18-01036-FUL (extract at Appendix D) the applicant stated that hours of opening were not relevant to the proposal. Residents took this to mean that no change to the existing premises licence operating schedule would occur. On that basis, residents submitted a neutral comment to the planning application, requesting that our concern regarding possible amplified entertainment noise disruption to be addressed at the licensing stage.

- The planning application and the associated licensing variation application include a change of use, from a public house which is predominately a restaurant, to a marriage and function venue. This change will result in a change in the ingress and Egress and External Areas noise profiles. Currently, the pub starts to empty after the restaurant food order cut-off, 8:45pm Monday – Thursday and 6:45pm Sunday. Whilst the existing premises licence may be until 23:00 Sunday – Monday, and 00:00 Friday & Saturday, our experience is that there is little late-night custom and therefore little latenight ingress, egress and operational noise disturbance to our amenity and rights to peace. The venue is not currently used for large extended functions – the exception being one instance in 2019 when an external marquee was erected, to host an unregulated loud disco function. This was one of the disturbances reported to Environmental Health.