

## COCKINGTON VILLAGE RESIDENTS ASSOCIATION



26 March 2013

### Cockington Village Resident's Association: Consultation on new Licence application for Cockington Court

Dear Sirs,

The Cockington Village Resident's Association (CVRA) is grateful for the opportunity to contribute to the consultation on the application to vary the Cockington Court Licence and would like to raise the following representation.

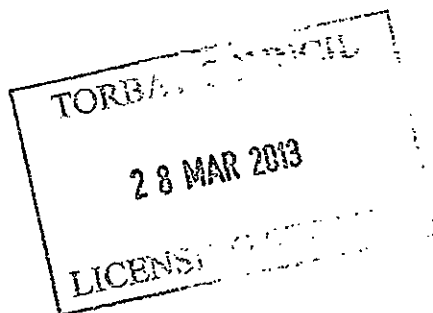
The CVRA support most of the changes proposed but object to the proposed changes to the clause on the prevention of public nuisance (Annex 3). The original clause that protects neighbours and residents from unreasonable disturbance is seen by the community as an essential measure to allow them a degree of independent protection and more importantly informs the Licensee that noise is an important environmental issue for an area that has an exceptionally low ambient noise level, particularly in the late afternoons and evenings. This principal has been identified in the relevant Neighbourhood Plan, supported by community consultation.

The CVRA does not wish to further restrict the Court operations but strongly desires to see the operations retained as low key and, as established for many years, a low noise evening/night-time environment. We therefore wish to see the following clause retained as an addition to the proposed new clauses:

#### Annexe 3: The Prevention of Public Nuisance

No.1 - Noise or vibration shall not emanate from the premises such as to cause persona in the neighbourhood to be unreasonably disturbed.

Yours sincerely,



INCOMING EMAIL

From: [REDACTED]  
To: Licensing <EX:/O=TORBAY COUNCIL/OU=CIVIC OFFICES  
SERVER/CN=ENVIRONMENT/CN=ENVIRONMENTAL/CN=LICENSING>  
Date: 28/03/2013 13:10:28  
Subject: Cockington Court

To whom it may concern.

I have been informed that a variation in the operating licence for Cockington court and park has been applied for.

They are seeking to remove the clause: Noise or vibration shall not emanate from the premises such as to cause

persona in the neighborhood to be unreasonably disturbed.

They wish to replace it with the clause; The volume of music at external events shall not exceed the level agreed

with the local environmental health department.

It is obvious from the request that the level of noise they will produce will cause persona in the neighbourhood

unreasonable disturbance, or why ask for it.

I am a resident of [REDACTED] and overlook the park. The noise of music from previous events was extreme,

and polluted the environment. Many times I rang the council to complain and at times was close to ringing the

police. Such was the nuisance.

I strongly request that you retain the clause; Noise and vibration shall not emanate from the premises such as to cause

persona in the neighborhood to be unreasonably disturbed.

We are talking about Cockington, not clubland!

Yours Faithfully;

[REDACTED]

INCOMING EMAIL

From: [REDACTED]  
To: Licensing <EX:/O=TORBAY COUNCIL/OU=CIVIC OFFICES  
SERVER/CN=ENVIRONMENT/CN=ENVIRONMENTAL/CN=LICENSING>  
Date: 28/03/2013 12:37:28  
Subject: Re-Proposal to change Licence for Cockington Court and Park

Dear Sir / Madam,

It has only just been brought to my notice that the TDA is proposing to change the operating Licence for Cockington Court and Park.

This would be a retrograde step and completely unacceptable to residents, like myself, who live within the vicinity of Cockington.

As I understand it the present position allows for a specified number of occasions, i.e. Cockington Fair or drama, during the year, when the noise is tolerated.

There have been times in the past when noise levels have been excessive, and occasions when I have submitted objections.

The following is part of a letter which I wrote in 2006 to object to an application for a Premises Licence by Torbay Coast & Cockington Trust, which explains how I feel, and is still relevant.

"Events held at Cockington Court and in the Park already at times create an excessive amount of noise, most especially when that noise is amplified. The geography of the valley creates a natural bowl around Cockington village and the Park, any noise is additionally amplified by this natural effect.  
( The Greeks knew this and so designed their theatres ).

A few years ago the Drum Inn in Cockington village was granted an extended licence for some events.

Amplified noise, plus the noise of cars, often past midnight had to be endured by residents until this licence was thankfully revoked.

An all year-round licence for events inevitably creating noise, plus the availability of alcohol would be unbearable.

Residents in Cockington and those bordering the valley would be subjected to noise at any time of the day or week.

This is a reasonably quiet residential neighbourhood, subject to high levels of Council Tax.

Cockington Park is for most of the time a tranquil haven away from traffic noise and the busyness of the everyday.

It benefits local residents and visitors alike to be able to relax in pleasant parkland and to not be bombarded with noise.

More and more we are subject to levels of noise which research shows is damaging to peoples wellbeing.

Obviously the intention behind the application is to attract business to Cockington Court.

Apart from the stress and disturbance caused by excessive noise, there will be added traffic in the narrow lanes already unable to cope in the summer months. "

The above is just as relevant now, if not more so, as it seems Cockington is being overtaken by commercial interests.

I trust that my concerns and will be taken into consideration when a decision is being made.

Yours sincerely,



INCOMING EMAIL

From: [REDACTED]  
To: Licensing <EX:/O=TORBAY COUNCIL/OU=CIVIC OFFICES  
SERVER/CN=ENVIRONMENT/CN=ENVIRONMENTAL/CN=LICENSING>  
Date: 28/03/2013 18:56:28  
Subject: Cockington court proposed operating licence change.

Dear Sir /Madam

Ref. Cockington Court changes in operating licence.

We find the proposed changes for events in Cockington UNACCEPTABLE>

Noise is an important issue with the Park and its effect on persona residing in the area.

In the past weddings etc have gone on late giving rise to unbearable noise levels which could be heard up and down the valley and surrounding neighbourhood. It was completely impossible to sleep with the disco music and DJs at the wedding receptions.

Therefore,

The following clause MUST remain.

Noise and vibration shall not emanate from the premises such as to cause persona in the neighbourhood to be unreasonably disturbed.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 28 March 2013 10:43  
**To:** Rackley, Shaun  
**Subject:** Cockington Court Premises Licence Application

Dear Sir,

I write in support of the application by the Torbay Development Agency to amend the Premises Licence for Cockington Court, which was previously in the name of this Trust.

I understand in providing this support that the contentious issue of managing the impact of noise from events held at the Court will be successfully addressed by the new conditions imposed in terms of noise management and that your department will be able to take prompt action where noise is causing an unreasonable degree of disturbance to local residents.

Yours faithfully,

Dominic Acland  
Director  
[REDACTED]

Torbay Coast & Countryside Trust | 21 Old Mill Road | Torquay | TQ2 6AU | Tel: 01803 606912



**Torbay Coast &  
Countryside Trust**

*Making Torbay a better place for people and*

Stay in touch online:  [Like our Facebook Page](#)  [TorCoastCountry](#) | [BerryHeadRanger](#) | [Occombe\\_Farm](#) | [Seashore\\_Centre](#)

Registered Charity No. 1077561

**Rackley, Shaun**

---

**From:** [REDACTED]  
**Sent:** 28 March 2013 19:13  
**To:** Rackley, Shaun  
**Subject:** Cockington Court - change in licence.

As a local resident of Cockington I would like to offer my support to the variation in operating licences for Cocking Court. I feel that the additional conditions stipulated within the application will help prevent any event or function generating excessive noise or creating a nuisance for the local community and I would welcome a more diverse and varied range of entertainment being right on my doorstep which will enable me to enjoy my local park even more.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

# Memorandum

---

<b>To:</b> Licensing	<b>From</b> :	<b>Community Safety</b>
<b>c.c</b>	<b>Contact</b> :	Mr Gareth Fudge
<b>c.c.</b>	<b>Ext</b> :	01803 208025
<b>c.c</b>	<b>My Ref</b> :	1ZV SRU No: 187405/GDF
<b>For the attention of: Licensing Steve Cox</b>	<b>Your Ref Date</b> :	  7 March 2013

---

**Subject: Premises– Licensing Act 2003**  
**Premises Name & Address: Cockington Court, Cockington Court,  
Cockington Lane, Torquay, Devon, TQ2 6XA**

- a) I have no comments to make on the above application
- b) The application does not meet the following licensing objectives:
- i) Prevention of crime and disorder
  - ii) Protection of children from harm
  - iii) Public safety
  - iv) Prevention of public nuisance

I can confirm, for the committee's reference that I have no objection to the removal of conditions x y and z. This department has received no complaints in respect of the operation of Cockington Court over the last three years.

The conditions proposed by Cockington Court require that the operator inform the Responsible Authority of any complaints in respect of noise. Once complaints are received, the level of the music must be monitored at a level approved by the Responsible Authority. The staff of Cockinton are then required to monitor and control the music or entertainment at that level. This level can be easily checked by the Responsible Authority.

Condition 1 stating "Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed" is a condition that is so vague that it is un-enforceable, unreasonable disturbance is a phrase that cannot be tested in terms of the Licensing Act 2003. The Courts have indicated that where noise is to be controlled that they prefer there to be a defined measurable level.

Condition 5 "A senior member of staff (manager) shall assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/event and periodically throughout the activity/entertainment to ensure that levels of noise have not increased".



This condition is of limited use as the "senior staff member" has nothing to assess the noise level against. Theoretically, the senior staff member could assess the impact and decide that it is really noisy and then ensure that it does not get any louder.

**Mr Gareth Fudge**  
Senior Environmental Health Officer