



## Licensing Sub-Committee

**Date:** Thursday, 21 January 2021  
**Time:** 10.00 am  
**Venue:** A link to the meeting can be found on the front page of the agenda.

**Membership: (Quorum 3 )**

Councillors Les Fry, Brian Heatley and Emma Parker

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**Chief Executive:** Matt Prosser, South Walks House, South Walks Road, Dorchester, Dorset DT1 1UZ (Sat Nav DT1 1EE)

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# **A G E N D A**

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## Supplementary Information submitted prior to the Hearing for Strong Orchard on 21 January 2021

1. Statement and Notes from Netherbury Parish Council, who will not be attending the hearing.
2. Emailed response to query relating to the nature of events

# 1. Parish Council Statement

## Netherbury Parish Council Statement

### **Licensing Act 2003 – Application 054638 Strong Orchard, Pineapple Lane, Waytown, Dorset**

Netherbury Parish Council have been contacted by a number of residents in Waytown and Pineapple Lane who have concerns with regard to the above Application.

The concerns are as follows:

- The Application will enable the Applicants to have live music on the site together with alcohol being consumed on the site. The position of the orchard is rural and residents are concerned about the level of noise (particularly any amplified music) disturbing the residents in what is a quiet corner of West Dorset.
- Access to the site is via a narrow lane (Pineapple Lane) with blind corners and few passing places. The Application, the locals believe, will lead to an increase in the volume of traffic through the narrow lanes giving access to the site and lead to danger for motorists and pedestrians.
- The Applicants have planning consent for fourteen tent pitches on the site between 22 May and 31 August each year, however they are now applying to extend that period from 1 April to 14 September each year. The local residents are concerned that campers on the site for that period of time together with consumption of alcohol and music is likely to lead to unacceptable disturbance.
- The local residents are concerned about the size of the vehicles visiting the site and recently experienced a 40 foot articulated lorry attempting to negotiate the narrow lane. We believe that there may be photographs before the Licensing Committee.
- The local residents are concerned that the site will become a hospitality and entertainment centre in what is a fairly inaccessible location.

Having said that, the Parish Council accepts that the Applicants are attempting to run a business in what are for many people very difficult economic times. The Parish Council understands that the Applicants consulted neighbours on the licence application which was then revised, reducing the hours and scope in reaction to local feedback from making enquiries house to house. It is also understood that the Applicants have held a premises licence for a number of years.

There is strong local feeling with regard to this Application and the Parish Council arranged a meeting via Zoom on 11 January which was attended by some members of the Parish Council, some local residents, and the Applicants to talk through the Applicants' intentions and the concerns of the local residents.

We would be grateful therefore if the contents of this letter could be considered at the Licensing Sub-Committee meeting on 21 January.

Included with this statement are notes that have been produced by Councillor Anthony Alford who sits on the parish council in his capacity of Eggardon Ward Councillor. The notes have been made in reference to the Licensing Policy –

<https://www.dorsetcouncil.gov.uk/business-consumers-licences/licences-and-permits/alcohol-and-entertainment-licences/pdfs/statement-of-licensing-policies/dorset-council-statement-of-licensing-policy-final-01-02-2020.pdf>

## Notes

1. The main issue in this application concerns the generation of noise in the open air, the impact of which is said to affect the local residential community and travel up and down the Brit valley.
2. Amongst other requests, the applicant is seeking permission for the playing of recorded music outdoors to 00:00 on Fridays and Saturdays –a time that would be regarded by many local people as anti-social.
3. The operating schedule sets a requirement for the closure of external doors and windows after 23:00. However, the licence application is for outdoor entertainment after that time, so clearly it would carry on. There is no reason to believe that any enclosed space on the site would effectively “seal” any noise.
4. I look to the sample conditions in the Licensing Policy to indicate those that ought to be applied in this case (page 49 onward).
5. The no entry/re-entry after a specified time in A1 appears to be appropriate.
6. The management of the business should set a capacity level per A3 and ensure that no overcrowding occurs (A7).
7. Access should be specified through a single access point that is stewarded in line with A6.
8. The transport arrangements per A15 should be adopted.
9. A CCTV system, per B1 is recommended.
10. Condition C1 should be adopted for film exhibitions.
11. I understand that the applicant has expressed support for “Challenge 25”. Condition D1 should be adopted. In addition and in relation to children, conditions D2, D3, D4 and D5 should be adopted.
12. Covering the sale of alcohol, conditions E2, E3, E9, E15, and E18 should be agreed.
13. While there is no reason to believe that section F (Drug Action) or G (Door control) will be an issue some of these sample conditions may be useful, for example notices and an “incident report register” in G5.
14. The operating schedule needs to set out the arrangements in this outdoor venue, to segregate smoking areas from non-smoking areas. Measures in H5 may help but more may be needed.
15. An adequate system of health and safety is essential so there is a clear need for training (J3), alerting staff (J4), allotted tasks (J5), suitable illumination in emergency situations (J6), special effects (J9) and trained first aiders (J10).
16. In an outdoor venue, glass is a major consideration, so conditions K1, K2 and K3 are appropriate.
17. Given the significance of noise at this site, it is considered that there are elements from all conditions from L1 to L13 that should be adopted.

18. Condition M1 on sanitary accommodation is essential. Given the opportunity to set a capacity level in accordance with A3, the capacity of sanitary provision, should be in line.

19. Use of the premises by external parties or promoters should be excluded. If in exceptional cases this needs to be permitted, conditions as outlined in NI, N2 and N6 should apply.

20. Environmental issues matter, so there are elements in conditions, P1, P2, P3, P4, and P5 that should apply. In addition, P6 should be added with an emphasis on the lines of, "deliveries shall be made in vehicles not exceeding xxxx tonnes" ie a figure that is suitable for a class D road.

21. Finally, Q1, joining the Pubwatch or similar scheme should be adopted.

A Alford

12<sup>th</sup> January 2020

## 2. Response to query about nature of events

Good Afternoon Mrs Powell

Thank you for getting in touch.

Regarding your query about the number of people visiting the Cider Farm, I have answered as best I can below:

Last year we received approval for seasonal tent camping, which we had the opportunity to test run late summer. It was a positive experience, relaxing for the campers from whom we received 95% 10 Star reviews; and helpful to us to survive this very challenging Covid year. We found that it was necessary to change the hours of the Premises license, so that we could offer our ciders to the campers in the evening as well.

We are hoping to have the occasional Jazz evening or Folk music evening a few times a year perhaps. This also would be mostly between April and September. This would be drawing hopefully between 15 and thirty people.

We have not held an evening like this before so we can only speculate the numbers.

We do not intend to offer anything akin to a regular 'Entertainment venue' as some neighbours have falsely expressed, but rather we wanted the Premises license to have the possibility of hosting occasional live music, attracting a small gathering of people, mostly during the Summer and catering to our tent campers and local music lovers. We live on site, put in long working days and do not intend to have long raucous evenings.

Last year we hosted a local folk Poetry group which numbered approximately 18 people.

We do hold one larger community event each year. That is the traditional Orchard Wassail every January for which we usually get a TENS. Profits go to charity and is attended by the local community. Last year we had approximately 70 people. This is very much a family event beginning about 2.30-3 in the afternoon finishing up about 8.30pm. We host the local Morris dancers, storytelling and traditional enactments like Mummers Plays. Attached is a photo from one of the Wassails.

In the future, we would like in a similar vein, to host a Blossom Festival in May. It would be a family event with Maypole dancing, May Queen, Mummers Plays and traditional live music – from Midday through to evening.

With the Variation we would like to cover the Tasting Room/Shop (offering more than 90% products the farm makes) and the Cider Garden rather than the initial application we have held for over 10 years which only covers what is the old Cider Barn, hence another reason for the variation.

The Alcohol License and Entertainment Variation for our Cider farm is not an unusual request. We have held a full Premises license for many years with any complaints whatsoever to do with it.



We work closely with the businesses in our Parish. We encourage our seasonal tent campers to eat out and enjoy at the local pub, as well as visitors who come on our popular Orchard and Cider Farm Tours who go there for lunch. We are also an attraction for tourists to spend their time at Pineapple Farm Caravan Site and work well with Yvonne and Andrew of Pineapple Estate.

It is worth taking into consideration that the 2 local licensed Premises to us both have much longer Alcohol Licenses for both On and Off premises.

Pineapple farm is Licensed from 7am-10pm. 15hrs

The Hare and Hounds pub located in the Centre of the village of Waytown of which we are on the outskirts is licensed 24hrs a day 7 days a week.

We are currently licensed 10am-8pm 10 hrs

We are asking for in our License variation 9am-11pm 13hrs 6 days a week 9am-12 on Saturdays.

As a Cider farm and Alcohol producer the license Variation we are asking for is not out of context and completely legitimate.

In conversation with the Environmental health noise prevention team, we came to conclusions to mitigate sound together with our Noise Management plan.

Beyond which Susan Ashford of the Environmental Health suggested 2 conditions to mitigate any sound nuisance and we approved of it as well.

- That doors and windows will be closed when amplified music and speech is being played.
- That there will be no amplified music or speech after 2300 hours.

We were visited by the Prevention Department of the Dorset Police, who had the opportunity of witnessing one of our educational Orchard and Cider Tours and they approved our application as low risk.

You will find also attached the extensive Fire Risk Assessments which were recently carried out for the cider Farm and all its buildings, as well as a thorough Fire Prevention Plan in place for the seasonal tent camping. Approved by the Fire Department, Environmental Health and Licensing Department.

Back in November when we first put in the initial Premises license variation we heard from our friends and closest neighbours Seb King and family at Marles farm that there were some concerns raised about the license variation; no one had spoken to us directly. I then wrote a letter(the attached) to neighbours to explain the situation and then went to spoke to over a dozen of neighbours in Waytown

We took their concerns to heart and decided to change the application for the variation to the Premises license, to the extent that an entirely new License variation application was begun.

Further to this we went back and spoke to the most vocal of the neighbours in the days before Christmas to again reassure them that our intentions were not to make a nuisance to the

neighbourhood and told them we had taken everyone's concerns to heart and had reduced the "Entertainment" side of the Licence Variation.

I have attached the initial License variation we applied for so you can see the Concessions we have already made and what we cut down on after hearing and taking to heart some of the local concerns.

We certainly agree there is a great misunderstanding of our intentions.

We think the reactions by some of the local community is completely disproportionate to the license variation and is spreading disinformation. I think it is a misunderstanding of our intentions.

Please let me know if you have further questions. I would be most willing to answer them.