

DORSET COUNCIL - LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 24 JUNE 2020

Present: Cllrs Jon Andrews, Les Fry and Emma Parker

Officers present (for all or part of the meeting): Lara Altree (Legal Services Manager) Aileen Powell (Licensing Team Leader) and David Northover (Democratic Services Officer)

Public speakers

Shaun and Marcia Hannam – applicant

Jon Ivay – objector

Di Hinton, Karen Bew, Steve Hall, Harry and Carol Tansey, Ken Adcook, Nick Child, Robert Rutherford and Marcel Schilling - supporters

69. Election of Chairman and Statement for the Procedure of the Meeting

Resolved

That Councillor Emma Parker be elected Chairman for the meeting.

The attention of the Sub-Committee was drawn to the procedures and protocols for the meeting and the basis on which the decision would be made.

70. Apologies

No apologies for absence were received at the meeting.

71. Declarations of Interest

No declarations of disclosable pecuniary interests were made at the meeting.

72. Licensing Sub-Committee Procedures

The Licensing Sub-Committee Procedures were drawn to the attention of, and understood by, Members in how they were able to come to their decision and the basis for this. The processes and protocols to manage the virtual meeting were also clarified by the chairman and understood. Introductions were made and participants welcomed to the proceedings.

73. Application for a variation of a premises licence for Clapcotts Farm, Spetisbury, Blandford

The Sub-Committee considered an application by Shaun and Marcia Hannam to vary the current licence at Clapcotts Farm, Spetisbury, Blandford Forum, to include:-

- the supply of alcohol for on and off sales between 1800hrs and 2300hrs daily
- the inclusion of live music (indoors only) on an occasional basis during licensed hours.
- the inclusion of recorded music (indoors only) on an occasional basis during licensed hours.

so as to benefit the success of their business at their café premises, within the grounds of their farm.

The officer's report detailed the basis of the application, how any permission would be applied in practice and what the premises, and the café business, entailed.

Clapcotts Farmhouse was a farm building on the edge of the village of Spetisbury - being part of the Dorset County Estate /County Farms – of which Mr and Mrs Hannam were tenants - that ran various small events to diversify their farm business including the holding of weddings, birthday parties, local village community events, as well as the running of a farm shop and cafe. The application was designed to enhance their capacity to optimise this and to maintain a viable and successful enterprise.

The characteristics of the site were described, with the farm building used for events being an old farm building with minimal acoustic properties, with a dining area being insulated to ceiling and wall; a vestibule constructed to the dining area to allow entry and exit without reducing the acoustic properties of the dining area; and an under-cover seating area: being a roofed area with open space to the outside with low acoustic properties.

The hospitality venue – known as The Shack – management plan was accessible to the Sub-committee showing what measures were in place to address activities that took place, with the hospitality aspect of their business so as to be able to run the business successfully.

Should the variation be granted, it would consequently mean that the licensable hours would be between 0900hrs to 2300hrs every day.

As a representation had been received - an objection - and remained unresolved, it was now necessary for the Sub-Committee to consider it and determine the application. A critical condition of any grant of permission recommended by officers was that officers also recommended adding the following conditions which were consistent with the new operating schedule and did not relate directly to music noise:-

- bottles would not be placed in any external receptacle after 1800hrs and before 1000hrs to minimise noise disturbance to neighbouring properties.

- clear and legible notices would be displayed at all exits requesting patrons leave the premises quietly, having consideration of local residents.
- a written record would be kept of all complaints received, including responses and measures taken. The record would be available for inspection by authorised officers on their request.
- the activities of persons using the external areas would be monitored after 1800hrs and they would be reminded to have regard to the needs of local residents and to refrain from shouting and anti-social behaviour etc. when necessary.

Members understood that the Authority's determination should be evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Determination of whether an action or step was appropriate for the promotion of the licensing objectives required an assessment of what action or step would be suitable to achieve that end. In coming to their decision, these would be the principles on which the Sub-Committee's decision would be based.

Following consultation, whilst there had been no representations made by any of the Responsible Authorities, two representations objecting to the variation had been received from two neighbours, being attached to the report. There had been 18 representations received in support of the variation, also appended to the report and the applicant had produced responses to the representations received.

The Sub- Committee heard representations from 8 individuals – by way of the outside broadcast provisions within the virtual meeting arrangements - who were given the opportunity to make their case as to why they supported, or objected to, the application and on what grounds those representations were being made.

Objections from the one person who spoke against the application – Jon Ivay - were on the grounds that there had previously been the use of 'A' boards advertising events, and the like, which was contrary to already agreed permissions; the hours of trade had previously been violated and not been adhered to and any extension of these would exacerbate the issue; contravention of a previous Temporary Event Notice (TENs) in the use of amplified music; where this was being activated from and the nuisance and disturbance which was being caused; safety concerns at events being held in the absence of the necessary building or fire regulations; contravention of advertising of events; and contravention of licencing hours regulations and restrictions and the sale and consumption of alcohol outside the permitted limitations. However, with regard to the evidence submitted with the application, in the absence of any satisfactory conclusive or compelling evidence contrary to this – as purported by the objector – the Sub-Committee concluded that – in their opinion the permissions already granted were being adhered to and complied with to their satisfaction.

The applicant had taken the opportunity to respond to each of these concerns in turn and was able to provide assurances that these could be allayed by the

measures that would be put in place in compliance of any licence being granted and was confident that this would be the case.

For clarification it was confirmed that the current arrangements in response to gatherings during the coronavirus pandemic had no bearing on the provisions of the application, nor in the granting of the licence. Consideration of the application should be on the basis of normal circumstances applying and what this would entail.

The opportunity was then given to hear from those 8 individuals who had submitted requests to participate in the meeting and for them to make comment based on their written representations and to ask questions, and provide answers, to the applicant and to officers. This opportunity was duly taken.

The Sub-Committee asked questions of the officer and the application to be assured that the arrangements and conditions to be put in place were satisfactory in addressing the issues and concerns that had been raised and so as to ensure any grant of permission served the purpose for which it was designed and achieved a positive outcome.

In particular they received clarification of arrangements which had been made for the summer village festival in 2019 – including a radio play – which had been held and which had been one of the issues disputed by the objector in terms of when this was and what transpired – and were satisfied that no permissions had been compromised in that regard.

The opportunity was given for members to ask questions of the presentation and what they had heard and read in the report, in seeking clarification of aspects so as to have a better understanding in coming to a decision. The Sub-Committee confirmed that the questions asked of the officer and the application was to be assured that the arrangements and conditions to be put in place were satisfactory in addressing the issues and concerns that had been raised and so as to ensure any grant of permission served the purpose for which it was designed and achieved a positive outcome. Moreover, given that the applicants were tenants of a County Farm, it was recognised that it would be in their interests to ensure the provisions of any licence were complied with and applied, as necessary.

The Sub-Committee gave consideration, in particular, to the following issues:-

- what provision was to be made for first aid training,
- the measures to be put in place for the prevention of illegal substances,
- how to manage disruptive customers safely and satisfactorily,
- parking signage so as to avoid any unnecessary on street disruption or nuisance to neighbours;

and were pleased to see that a robust, practical and achievable management plan was in place to manage the practicalities of the consequences of granting any licence.

Officers addressed the issues and questions raised, providing what they considered to be satisfactory answers.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation, the written representations; and what they had heard at the meeting, and having received satisfactory responses to the questions they had asked, the Sub-Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this and, following the conclusion of the public meeting and having taken the opportunity to come to their decision, on that basis, the Sub-Committee agreed, unanimously, that the application should be approved, subject to the conditions set out in the report and that the licencing permission should be granted.

Resolved

That permission be granted for the variation to the Premises Licence at Clapcotts Farm, Spetisbury with:-

1. The removal of the following conditions from the licence, as they are unenforceable under section 177A(2) of the Licensing Act as amended by the Live Music Act 2014:-

Licensable activities will be conducted and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.

Noise from a licensable activity at the premises will be inaudible at the nearest noise sensitive premises.

There will be no external loudspeakers.

The PLH/DPS will adopt a "cooling down" period where music volume is reduced towards the closing time of the premises e.g. for the last hour of opening.

and

2. The addition of the following condition(s): which are consistent with the new operating schedule and do not relate directly to music noise:-

- Bottles will not be placed in any external receptacle after 1800hrs and before 1000hrs to minimise noise disturbance to neighbouring properties. (4.3)
- Clear and legible notices will be displayed at all exits requesting patrons leave the premises quietly having consideration of local residents. (4.5)
- A written record will be kept of all complaints received. Including response and measures taken. The record will be available for inspection by authorised officers on their request. (4.8)
- The activities of persons using the external areas will be monitored after 1800hrs and they will be reminded to have

regard to the needs of local residents and to refrain from shouting and anti-social behaviour etc. when necessary. (4.2)

Reasons for the Decision

The Sub-committee have considered carefully all of the documents presented and all of the oral and written representations made by all parties. They have had regard to the four Licensing Objectives, the Home Office Statutory Guidance and the Dorset Council (Purbeck) Statement of Licensing Policy 2016

1. The Sub-committee considered the representations of the local residents. The Sub-committee considered that there had been no history of **substantive** complaints to the Licensing Authority or the Environmental Health Team and given the nature of the business, the granting of the proposed variation (as amended) was unlikely to have a detrimental effect on any of the four licensing objectives.
2. The Sub-committee grant the variation to the premises licence in the terms sought by the applicant with the proposed conditions. The Sub-committee believe these conditions are consistent with, and tailored to, the particular characteristics of the proposed business, as set out in the operating schedule, and are appropriate for the promotion of the licensing objectives.
3. The Sub-committee believe that the imposition of these conditions is a fair and proportionate **and appropriate** response to the concerns of ~~the objector~~ **those who had objected** and will ensure the licensing objectives are **promoted and complied with**.

74. **Urgent items**

There were no urgent items of business for consideration.

Duration of meeting: 10.00 am - 12.20 pm

Chairman

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