# **Public Document Pack**



# **Licensing Sub-Committee**

Friday, 16 October 2020 Date:

Time: 10.00 am

Venue: A link to the meeting can be found on the front

page of the agenda.

Membership: (Quorum 3)

Councillors Jon Andrews, Mike Dyer and Les Fry

Chief Executive: Matt Prosser, South Walks House, South Walks Road,

Dorchester, Dorset DT1 1UZ (Sat Nav DT1 1EE)

For more information about this agenda please telephone Democratic Services 01305 224202 elaine.tibble@dorsetcouncil.gov.uk



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https://youtu.be/SToL opcjb0

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# AGENDA

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**EXEMPT BUSINESS** 

# Page No. 1 **ELECTION OF CHAIRMAN AND STATEMENT FOR THE** 5 - 8 PROCEDURE OF THE MEETING To elect a Chairman for the meeting and the Chairman to present and explain the procedure for the meeting. 2 **APOLOGIES** To receive any apologies for absence. 3 **DECLARATIONS OF INTEREST** To receive any declarations of interest. NEW PREMISES APPLICATION, HINCKNOWLE BARN, 4 9 - 52 MELPLASH, BRIDPORT An application for a new premises licence has been made by Rupert Best and Thomas Best for live music, recorded music, late night refreshment and the supply of alcohol on and off the premises. Representations have been received and remain unresolved therefore a hearing by the licensing Sub-Committee must be held to determine the application. 5 **URGENT ITEMS** To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph x of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.



# Agenda Item 1



# TEMPORARY LICENSING SUB-COMMITTEE HEARINGS PROCEDURE AND GUIDANCE

The Local Authorities and Police and Crime Panels (Coronavirus)
(Flexibility of Local Authority and Police and Crime Panel Meetings)
(England and Wales) Regulations 2020
and
The Licensing Act 2003 (Hearings) Regulations 2005

This Temporary Procedure and Guidance notes makes provision for the conduct of local authority Licensing Sub-Committee hearings, held between 4 April 2020 and 7th May 2021, and for public and press access to these meetings and are made in accordance with Coronavirus Act 2020 and The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The following points of clarification apply throughout:

- A reference to a "meeting of the Licensing Sub-Committee" or reference to a "place" where a meeting is held, includes more than one place, electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.
- Any reference to being "attend" "attendance" "present" at a meeting includes through remote attendance.
  - "Remote access" means remote access of public and press to a Council meeting to enable them to attend or participate in that meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming.
- A Member of the Licensing Sub-Committee who is a "Member in remote attendance" attends the meeting at any time if all of the conditions in subsection section 5(3) of The Local Authorities and Police and Crime Panel (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 are satisfied, which means the Member in remote attendance is able at that time—
  - (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the Members in attendance,
  - (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and



- (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- Any reference to a member, or a member of the public, attending a meeting includes that person attending by remote access.

# Rights of a Party

- 1. A party has the right to attend the hearing and may be represented by any person.
- 2. A party is entitled to give further information where the authority has asked for clarification.
- 3. A party can question another party, and/or address the authority, with consent of the authority.

## Failure to Attend

- 4. If the authority is informed a party does not wish to attend, the hearing may proceed in their absence.
- 5. If a party has not indicated their attendance and fails to attend the hearing may be adjourned if considered in the public interest, or hold the hearing ensuring the party's representation is considered.
- 6. Where the authority adjourns the hearing it shall notify the parties of the date, time and place.

## Procedural Information

- 7. At the start of the hearing, the authority shall explain the procedure which it proposes to follow and shall consider any request for permission for another person to appear at the hearing.
- 8. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that it is required.
- 9. The authority will allow the parties an equal maximum period of time in which to speak.
- 10. The authority may require any person behaving disruptively to be disconnected from the hearing, and may refuse that person to be reconnected, but such a person may, before the end of the hearing, submit in writing information they would have been entitled to give orally had they not been required to leave.

#### **FOOTNOTE**:

In relation to all other matters governed by the Licensing Act 2003 (Hearings) Regulations 2005 any party or their representative may contact the Licensing Department at Dorset Council and they will be provided with a full copy of the regulations on request.



## LICENSING SUB-COMMITTEE PROCEDURE

- 1. At the start of the meeting the Chairman will introduce:
  - the members of the sub-committee in attendance
  - the council officers in attendance
  - the parties and their representatives in attendance
- 2. The Chairman will then deal with any appropriate agenda items.
- 3. The Licensing Officer will be asked to outline the details of the application, including details of any withdrawn representations.
- 4. The applicant or their representative is then invited to present their case.
- 5. Committee members will be invited to ask questions.
- 6. Where appropriate the Responsible Bodies e.g. representatives of Police, Fire Services, Environmental Services or Trading Standards will be invited to address the sub-committee on any relevant representations they may have.
- 7. The Chairman may then allow an opportunity for questions asking each person in turn if they wish to ask a question.
- 8. The Chairman will ask any person who has made representations, who has already expressed a wish to do so, to address the sub-committee. The sub-committee will have read all the papers before them, including any letters of representation. Members of the public are asked to keep their comments concise and to the point.
- 9. All parties will be given the opportunity to "sum up" their case.
- 10. The Chairman will ask the Legal Advisor if all relevant points have been addressed before advising all parties present that the public part of the meeting will conclude. The sub-committee will then consider its decision in private. The sub-committee will also have the Democratic Services Officer in remote attendance, and the Legal Advisor can be called upon to offer legal guidance.
- 11. The decision of the Licensing Sub-Committee shall be communicated to the parties and made available on the Council's website as soon as practicable.

#### NOTE

The Chairman may vary this procedure, as circumstances require but will have regard to the rules of natural justice and the Licensing Act 2003 (Hearings) Regulations 2005, and the requirements of The Local Authorities and Police and



Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The remote meeting will be available to via web-link details of which will be set out on the agenda. However, the public can be excluded from all or part of the meeting by removal of remote access where the sub-committee considers that the public interest in so doing outweighs the public interest in the meeting or that part of the meeting, taking place in public.

Under no circumstances must the parties or their witnesses offer the subcommittee information in the absence of the other parties.

The Chairman and the Sub-Committee have discretion whether to allow new information or documents to be submitted and read at the meeting.

# Licensing Sub-Committee 16 October 2020 New premises application, Hincknowle Barn, Melplash, Bridport

# For Decision

Portfolio Holder: Cllr J Haynes, Customer and Community Services

Local Councillor(s): Cllr A Alford

**Executive Director:** J Sellgren, Executive Director of Place

Report Author: Kathryn Miller

Title: Licensing Officer Tel: 01305 252214

Email: Kathryn.miller@dorsetcouncil.gov.uk

Report Status: Public

**Recommendation**: The Sub-Committee determines the application in the light of written and oral evidence and resolves to take such steps as it considers appropriate and proportionate for the promotion of the licensing objectives of;

- a) The prevention of crime and disorder
- b) The prevention of public nuisance
- c) Public safety
- d) The protection of children from harm

**Reason for Recommendation**: The Sub-Committee must take into account the oral representations and information given at the hearing.

# 1. Executive Summary

An application for a new premises licence has been made by Rupert Best and Thomas Best for live music, recorded music, late night refreshment and the supply of alcohol on and off the premises. Representations have been received and remain unresolved therefore a hearing by the licensing Sub-Committee must be held to determine the application.

### 2. Financial Implications

Any decision of the Sub-Committee could lead to an appeal by any of the parties involved that could incur costs.

# 3. Climate implications

None.

# 4. Other Implications

Public Health and Community Safety.

# 5. Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Low Residual Risk: Low

## 6. Equalities Impact Assessment

Not applicable

# 7. Appendices

Appendix 1 – Premises licence application

Appendix 2 – Plan of the premises

Appendix 3 – Representation from Netherbury Parish Council

Appendix 4 – Representations from interested parties

# 8. Background Papers

Licensing Act

Live Music Act

<u>Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013</u>

Section 182 Guidance

LGA Councillors Handbook

EHRC - Guide to the Human Rights Act for Public Authorities

## 9. Details

- 9.1 An application has been received from Rupert and Thomas Best for a new premises licence at Hincknowle Barn, Hincknowle, Netherbury, Bridport, DT6 3UG to include:
  - the supply of alcohol for on and off sales between 0900hrs and midnight, daily;
  - regulated entertainment, indoor and outdoors (live and recorded music) between 2300hrs and midnight, daily;
  - late night refreshment between 2300 and midnight, daily.

The full application is attached at Appendix 1.

The Live Music Act 2012 and the Legislative Reform (Entertainment Licensing) Order 2014 introduced section 177A to the Licensing Act and removed the need to have the activities of live and recorded music included in a licence that authorises the sale of alcohol between 8am and 11pm. The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 amended the Act to allow certain entertainment between 0800 and 2300hrs not to be classed as regulated entertainment and therefore need to be licensed.

- 9.2 The premises is described as a fruit farm growing cider apples, wishing to use the barn at the farm for small events, functions and retail sales, as well as other areas of the surrounding land. A Plan of the premises is attached at Appendix 2.
- 9.3 The application was received on 25 August 2020 with the statutory consultation period of 28 days ending on 21 September 2020.
- 9.4 No representations have been received from any of the Responsible Authorities. However, Environmental Health requested the following the condition be added to the licence:

The number of patrons on the premises, for the purposes of engaging in licensable activities, will not exceed 500 persons, at any one time.

The applicant has agreed to this condition being added to the premises licence if granted.

9.5 One representation has been received from Netherbury Parish Council who have stated that:

Protection of Children from Harm and Public Safety.

The roads around Hincknowle are narrow with no footpaths. An increase in traffic could increase the risk to public safety, particularly for pedestrians in and around the roads leading to the venue.

Their letter is attached at Appendix 3

- 9.6 There were two representations received from local residents, these are attached at appendix 4.
- 9.7 For representations to be relevant they must relate to both the proposed new licence application and any of the of the four licensing objectives of prevention of public nuisance, prevention of crime and disorder, public safety or the prevention of harm to children. There is reference within the representations that relate to increased traffic and the suitability of the highways in the area. Highway issues are not relevant under any of the licensing objectives and should not considered relevant to an application for a premises licence.

#### 10. Considerations

10.1 Paragraphs 9.42 – 9.44 of The Section 182 Guidance states that; -

"Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

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 is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the

factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination"

#### 11. Recommendation

- 11.1 Having taken into account the representations and the evidence presented at the hearing, the Sub-Committee may;
  - grant the licence subject to any conditions that are deemed appropriate
  - exclude from the scope of the licence any of the licensable activities to which the application relates;
  - refuse to specify a person in the licence as the premises supervisor;
  - reject the application.

#### Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.



## Application for a premises licence to be granted 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 and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

apply descri releva	Insert for a p bed in nt lice	Thomas Nicholas Best and The name(s) of applicant) premises licence under section Part 1 below (the premises) a ensing authority in accordance	17 of the Lico	ensin ıakin	g this applicati	ion to you as the
Posta Hind Hind	al addr	•	nance survey m	nap re	ference or desc	ription
Post	town	BRIDPORT			Postcode	DT6 3UG
Tele	phone	number at premises (if any)				
Non-	-domes	stic rateable value of premises	£0			
		olicant details  whether you are applying for a p	premises licenc	e as	Please tick	as appropriate
a)	an in	idividual or individuals *		$\boxtimes$	please comple	ete section (A)
b)	a per	rson other than an individual *				. ,
		as a limited company/limited lipartnership	iability		please comple	ete section (B)
	ii	as a partnership (other than limitiability)	nited		please comple	ete section (B)
		as an unincorporated association	on or		please comple	ete section (B)
	iv	other (for example a statutory of	corporation)		please comple	ete section (B)
c)	a rec	ognised club			please comple	ete section (B)
d)	a cha	arity			please comple	ete section (B)

e)	the proprietor	of an educational est	tablishment		please comp	olete section (B	)		
f)	a health service	ee body			please complete section (B)				
g)	Care Standard	is registered under Pos s Act 2000 (c14) in a ospital in Wales		please comp	olete section (B	)			
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England								
h)	the chief offic England and V	er of police of a police of a police Wales	ce force in		please comp	olete section (B	)		
	ou are applying elow):	as a person describe	ed in (a) or (b) pl	lease (	confirm (by ti	cking yes to or	ne		
premi	ises for licensal	proposing to carry on ole activities; or		ch inv	olves the use	of the	$\boxtimes$		
I am		lication pursuant to a	l						
	statutory fund	ction or charged by virtue of	`Her Maiestv's r	rerog	ative				
					,				
(A) IN	DIVIDUAL A	PPLICANTS (fill in	as applicable)						
Mr	Mrs	Miss	Ms 🗌		er Title (for mple, Rev)				
Mr Surn Best		Miss .	First na	exar	,				
Surn Best			First na	exar	nple, Rev)	yes			
Surn Best Date	ame		First na Rupert	exar	mple, Rev)	yes			
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# **SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr	$\boxtimes$	Mrs		Miss			Ms		Other Title (for example, Rev)	
Surn: Best	ame							rst na	nmes s Matthew	
Date	Date of birth I am 18 years old or over								Please tick yes	
Natio	nality	British	1							
check	Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)									
addre		dential fferent dress	from							
Post t	own								Postcode	
Dayti	ime co	ntact te	lepho	ne numb	er					
E-ma (optio	il add onal)	ress								
Please give an	proviony regi	stered	e and i	registere er. In th	e case	e of a	partı	iershi	nt in full. Where appropriate please ip or other joint venture (other than a ach party concerned.	
Name	2									
Addre	ess									
Regis	Registered number (where applicable)									
Descr	ription	of appl	icant (	for exam	ple, pa	artner	ship,	compa	any, unincorporated association etc.)	

Tel	ephone number (if any)	
E-n	nail address (optional)	
Part	3 Operating Schedule	
		DD MM YYYY
	ou wish the licence to be valid only for a limited period, en do you want it to end?	DD MM YYYY
A fi	ase give a general description of the premises (please read guidance ruit farm growing cider apples, wishing to use the barn at the farm ctions and retail sales, as well as other areas of the surrounding land	for small events,
	000 or more people are expected to attend the premises at any time, please state the number expected to attend.	
What	t licensable activities do you intend to carry on from the premises	)
(plea	se see sections 1 and 14 and Schedules 1 and 2 to the Licensing A	ct 2003)
Pro	vision of regulated entertainment (please read guidance note 2)	Please tick all that apply
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)	$\boxtimes$
f)	recorded music (if ticking yes, fill in box F)	$\boxtimes$
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (if ticking yes, fill in box H)	(g)

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	$\boxtimes$
Supply of alcohol (if ticking yes, fill in box J)	

In all cases complete boxes K, L and M

Plays Standard days and timings (please read			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
	guidance note 7)		(preuse read guidantee note 3)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read gui	idance note 4)	
Tue					
Wed			State any seasonal variations for performing p guidance note 5)	olays (please re	ad
Thur					
Fri			Non standard timings. Where you intend to u for the performance of plays at different times the column on the left, please list (please read g	to those listed	<u>l in</u>
Sat					
Sun					

Films Standard days and timings (please read			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
guidance note 7)			(prease read guidance note 3)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read gui	dance note 4)	
Tue					
Wed			State any seasonal variations for the exhibition read guidance note 5)	of films (plea	se
Thur					
Fri			Non standard timings. Where you intend to use for the exhibition of films at different times to column on the left, please list (please read guida	those listed in	
Sat					
Sun					

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			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 (please read guidance note 6)
Fri			
Sat			
Sun			

Boxing or wrestling entertainments Standard days and timings (please read			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
timings (please read guidance note 7)			preuse read gardance note 3)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read gui	dance note 4)	
Tue					
Wed			State any seasonal variations for boxing or wro entertainment (please read guidance note 5)	estling	
			chertamment (please read guidance note 3)		
Thur					
Fri			Non standard timings. Where you intend to use for boxing or wrestling entertainment at differ		
			listed in the column on the left, please list (plea		
Sat			note 6)		
Sun					

Live music Standard days and timings (please read			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
guidance note 7)			(produce roud gurannice new c)	Outdoors	
Day	Start	Finish		Both	$\boxtimes$
Mon	2300	0000	Please give further details here (please read gui	dance note 4)	
Tue	2300	0000			
Wed	2300	0000	State any seasonal variations for the performa (please read guidance note 5)	nce of live mu	sic
Thur	2300	0000			
Fri	2300	0000	Non standard timings. Where you intend to use for the performance of live music at different to listed in the column on the left, please list (please).	imes to those	
Sat	2300	0000	note 6)		
Sun	2300	0000			

Recorded music Standard days and timings (please read			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
guidance note 7)			(prease read guidance note 3)	Outdoors	
Day	Start	Finish		Both	
Mon	2300	0000	Please give further details here (please read gui	dance note 4)	
Tue	2300	0000			
Wed	2300	0000	State any seasonal variations for the playing of (please read guidance note 5)	f recorded mu	<u>sic</u>
			(preuse read guidance note 3)		
Thur	2300	0000			
Fri	2300	0000	Non standard timings. Where you intend to use for the playing of recorded music at different to		<u>:s</u>
			listed in the column on the left, please list (plea		ce
Sat	2300	0000	note 6)		
Sun	2300	0000			

Performances of dance Standard days and timings (please read			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
timings (please read guidance note 7)			(produce rouge gardanice riche e)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read gui	dance note 4)	
Tue					
Wed			State any seasonal variations for the performa (please read guidance note 5)	nce of dance	
Thur					
Fri			Non standard timings. Where you intend to us for the performance of dance at different times the column on the left, please list (please read g	s to those liste	d in
Sat					
Sun					

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainm providing	nent you will b	e
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read	Indoors	
Mon			guidance note 3)	Outdoors	
				Both	
Tue			Please give further details here (please read guid	dance note 4)	
Wed					
Thur			State any seasonal variations for entertainment description to that falling within (e), (f) or (g) guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

Late night refreshment Standard days and			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors		
timings (please read guidance note 7)			premier treat (premier read garantee need o)	Outdoors		
Day	Start	Finish		Both	$\boxtimes$	
Mon	2300	0000	Please give further details here (please read gui	dance note 4)		
Tue	2300	0000				
Wed	2300	0000	State any seasonal variations for the provision of late night			
			refreshment (please read guidance note 5)			
Thur	2300	0000				
Fri	2300	0000	Non standard timings. Where you intend to us	se the premise	<u>es</u>	
			for the provision of late night refreshment at d those listed in the column on the left, please lis		<u>, to</u>	
Sat	2300	0000	guidance note 6)			
Sun	2300	0000				

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises Off the	
guidan	ce note 7	)		premises	
Day	Start	Finish		Both	$\boxtimes$
Mon	0900	0000	State any seasonal variations for the supply of read guidance note 5)	alcohol (pleaso	е
Tue	0900	0000			
Wed	0900	0000			
Thur	0900	0000	Non standard timings. Where you intend to us for the supply of alcohol at different times to the column on the left, please list (please read guidant)	nose listed in t	
Fri	0900	0000			
Sat	0900	0000			
Sun	0900	0000			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Rupert	Name Rupert Thomas Nicholas Best			
Date of birth				
Address				
Postcode				
Personal licence number (if known)				
WDPA2012				
<b>Issuing licens</b> Dorset Council	sing authority (if known) il			

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 9).

None

 $\mathbf{L}$ 

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	0900	0000	
Tue	0900	0000	
Wed	0900	0000	Non standard timings. Where you intend the premises to be
Thur	0900	0000	open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Fri	0900	0000	
Sat	0900	0000	
Sun	0900	0000	

### M

Describe the steps you intend to take to promote the four licensing objectives:

#### a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Consideration of the Dorset Council Licensing policy has been carried out to ensure the promotion of the four licensing objectives

All staff training records will be maintained, recorded and updated at 6 monthly intervals and available for inspection, upon request.

### b) The prevention of crime and disorder

Risk Assessments will be carried out and recorded, prior to each event and available for inspection, if requested.

An incident log will be maintained and available for inspection, at any time. This log will contain all incidents as detailed below

All crimes reported to the venue

Any complaints received

Any incidents of disorder

Any visit by a relevant authority or emergency service

All ejections of visitors

All seizures of drugs or offensive weapons

Any refusal of the sale of alcohol

## c) Public safety

The premises will be maintained in a safe manner, at all times.

Exits will be kept unobstructed, easy to open and clearly signed

All staff will be trained in emergency procedures and training records maintained.

The tables on premises must be regularly cleared of empty bottles and glasses.

Policies and procedures will be available and reviewed at regular intervals and all staff will be trained in all policies.

## d) The prevention of public nuisance

Notices will	be displaye	d asking	customers t	o leave th	e premises	in a qui	et and	respectfi	ul
manner.									

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

A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of ID are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram

The premises will operate a "No ID, No Sale" policy at all times, for persons who look under 25

Staff will be trained in the understanding of this policy and training records maintained for inspection if requested by the police or any other responsible authority

A record shall be kept detailing all refused sale of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open

#### **Checklist:**

### Please tick to indicate agreement

•	I have made or enclosed payment of the fee.	$\boxtimes$
•	I have enclosed the plan of the premises.	$\boxtimes$
•	I have sent copies of this application and the plan to responsible authorities and others where applicable.	
•	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	
•	I understand that I must now advertise my application.	$\boxtimes$
•	I understand that if I do not comply with the above requirements my application will be rejected.	$\boxtimes$
•	[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I	
	have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15)	$\boxtimes$

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>		
Signature	Chris Nixon		
Date	24 <sup>th</sup> August 2020		
Capacity	Acting/Licensing Agent		

For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Knight Training UK Ltd

134 The Barracks

White Cross, South Road

Post town	LANCASTER		Postcode	LA1 4XQ	
Telephone n	Selephone number (if any) 03309993199				
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) chris@knighttraining.co.uk					

#### **Notes for Guidance**

- 1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- 2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed

500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- 3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

- 10. Please list here steps you will take to promote all four licensing objectives together.
- 11. The application form must be signed.
- 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
- 14. This is the address which we shall use to correspond with you about this application.

# 15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

#### Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely

in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A birth or adoption certificate issued in the UK, when produced in combination
  with an official document giving the person's permanent National Insurance number
  and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A current Immigration Status Document containing a photograph issued by the
  Home Office to the holder with an endorsement indicating that the named person may
  stay in the UK, and is allowed to work and is not subject to a condition preventing the
  holder from doing work relating to the carrying on of a licensable activity when
  produced in combination with an official document giving the person's permanent
  National Insurance number and their name issued by a Government agency or a
  previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their
  permission to be in the UK with the Home Office such as the Home Office
  acknowledgement letter or proof of postage evidence, or reasonable evidence that the

person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of a European Economic
   Area state or Switzerland but who is a family member of such a national or who has
   derivative rights of residence in exercising treaty rights in the UK including:
  - o evidence of the applicant's own identity such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank.
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

## Home Office online right to work checking service

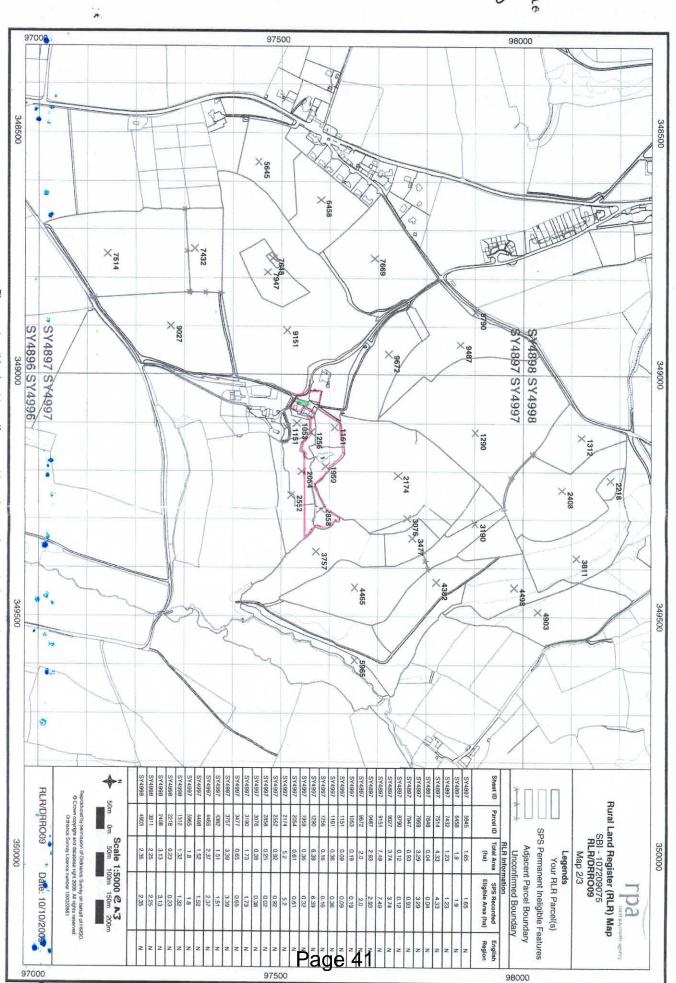
As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <a href="https://www.gov.uk/prove-right-to-work">https://www.gov.uk/prove-right-to-work</a>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

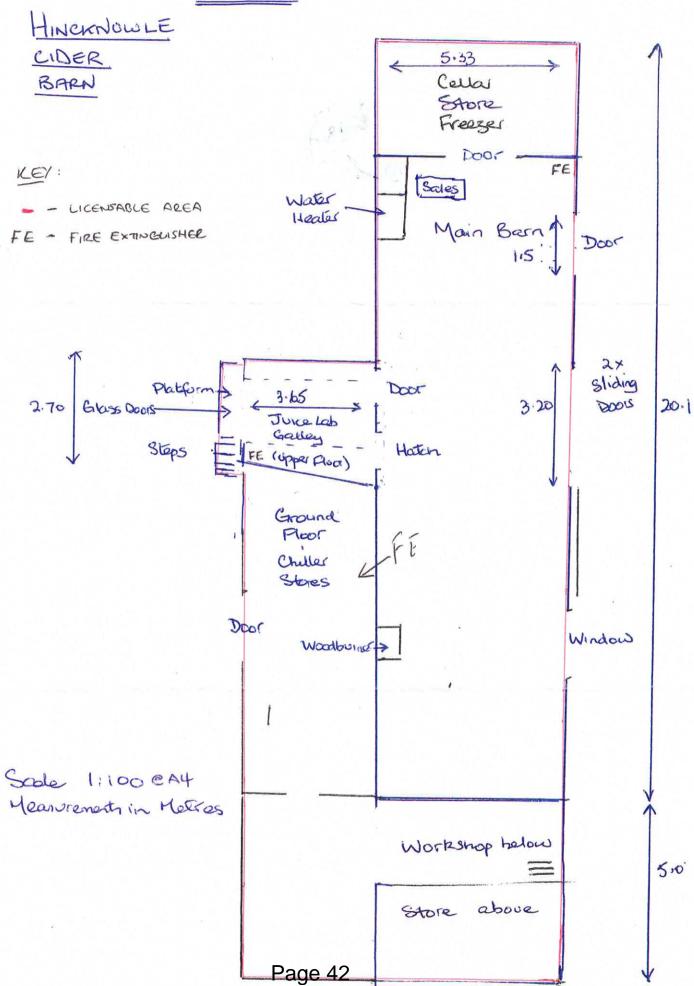
An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.





Please return this sheet to us if you want to make any changes to the parcels shown on it.

PLAN 1



## Kathryn Miller

From:

Licensing Inbox (WPBC)

Subject:

FW: Hincknowle, Melplsh, Dorset, DT6 3UG - 053535

----Original Message----

From: Netherbury Parish Clerk Sent: 21 September 2020 13:23

To: Licensing Inbox (WPBC) < Licensing Team B@dorsetcouncil.gov.uk >

Subject: Hincknowle, Melplsh, Dorset, DT6 3UG - 053535

**Dear Licensing Team** 

On behalf of Netherbury Parish Council I am writing regarding the above licence application with the following comment:

Protection of Children from Harm and Public Safety.

The roads around Hincknowle are narrow with no footpaths. An increase in traffic could increase the risk to public safety, particularly for pedestrians in and around the roads leading to the venue.

With regards

Mrs Teasdale

Jessica Teasdale Netherbury Parish Clerk



## Dear Sir/Madam

## Re: Grant of Premises Licence Application ~ Bridport News 3rd September

We wish to make representations regarding the above application. Despite being very aware of the need for land based businesses such as the fruit farm to explore new and innovative ways to maximise income from their property and other assets in this particular case we have serious concerns regarding public safety in general, the safeguarding of children and public nuisance.

The general terms of the application mean that it is unclear as to the nature, scale and frequency of the activities proposed for the site.

What is clear, however, is that access to the facilities at Hincknowle – unless alternatives are part of the plan – will be from single track lanes, both the farms' private lane and the public lanes - Mapperton and Twinways. Mapperton Lane has no passing places from the junction with the A3066 and the cross road turn into Hincknowle. Vehicles avoid each other by entering the driveways of houses on the lane. This traffic has caused private entrances to be badly damaged with repair costs falling to householders. Passage down Twinways is restricted by parking.

I have been hit by the wing mirror of a passing vehicle while cutting my hedge and I know of one other neighbour who has been struck by vehicles as he walked his dog along Mapperton Lane.

The current volume of traffic on Mapperton Lane has caused the main water pipe to fracture on a number of occasions, most recently on 11<sup>th</sup> September 2020. The attending Water Engineer identified vibration, caused by traffic, to be the source of the problem. The exit from Mapperton Lane onto the main road at Corner Garage has very poor visibility of traffic approaching from Beaminster. There have been several near misses as vehicles exit the lane at this point.

The cross roads at the junction of Mapperton Lane, Twinways and Hincknowle is blind to traffic turning left and right into the lane. Again several near misses have happened at this point.

Local children have constructed a den on the corner of the field at this crossroads and regularly walk along Twinways to gain access. Children regularly play in the lane on bikes and scooters. Given the safety concerns at current levels of traffic any increase will magnify these risks.

Our other concern is the prevention of Public Nuisance. Without clarification of the number of occasions on which recorded or live music can be played until midnight we would argue that the playing of such up to seven nights a week could create disturbance that constitutes a public nuisance.

Therefore we feel if this application is granted in current form without conditions to ameliorate the concerns we have raised then an unspecified number of events, for up to 500 people plus staff, entertainers and all the associated vehicle movements would add significantly to public safety and child safety risks along with constituting a public nuisance.



Finally we also believe that the public notice published in the Bridport News about this application fails the simple test of readability. We enclose a copy to support this point. Such an approach to public information falls below the standards required.

Yours sincerely



Dorset District Council Licensing Section South Walks House South Walks Road Dorchester Dorset DT1 1UZ

14<sup>th</sup> September 2020

Dear Sirs,

Re: Application for a Grant of premises Licence Licensing Act 2003 The Barn Hincknowle

Application for Grant of Premises Licence Sale of Alcohol and an off sales late night Refreshment and Recorded Music.

I wish to register my disquiet in respect of this application by Messssrs Rupert Thomas Nicholas Best and Thomas Matthew Best of Hincknowle Melplash Bridport DT6 3UG.

Mapperton Lane is not suitable for more traffic passing to and fro especially vehicles who are not aware that there are no layby's to pull into only our driveways and at this moment in time are being undermined by cars overshooting the pub or garage and find my driveway the first space for a turn round or b reverse into if a vehicle is approaching them. Frequent squealing of tyres on tarmac indicate a reversing action into driveways.

Point 2 there is no clear line of sight as soon as you leave the main road so vehicles speed is in excess of the safe limit. Walking along the road or dog walking means jumping out of the way pushing the dogs up onto the bank and even then vehicles do not slow down, young children cycling have the same problem. This does not affect the applicants because they are at the other end of the lane, so from a safety point of view and my health I object to this application because what the applicants want to do cannot be controlled.

What happens about pedestrians wandering along the road possibly letting off steam and being loud on an unlit country lane.

My objection is on a Health and Safety Basis.





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