

## Licensing Sub Committee

17 April 2024

**New premises licence application for The Hillbrook, 1 Canon Woods Close, Sherborne**

### For Decision

**Portfolio Holder:** Cllr L Beddow, Culture and Communities

**Local Councillor(s):** Cllr Richard Crabb

**Executive Director:** Jan Britton, Executive Lead of Place

Report Author: Kathryn Miller

Job Title: Senior Licensing Officer

Tel: 01305 252214

Email: Kathryn.miller@dorsetcouncil.gov.uk

**Report Status:** Public

**Brief Summary:** An application has been made for a new premises licence for The Hillbrook, 1 Canon Woods Close, Sherborne, live music, recorded music (indoors and outdoors), late night refreshment (indoors) and for the sale of alcohol, on and off the premises. The application has been out to public consultation and has attracted a relevant representation. A Licensing Sub Committee must consider the application and representations at a public hearing.

**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

The steps that the Sub-Committee may take are:

- a) to grant the licence subject to such conditions as the authority considers appropriate for the promotion of the licensing objectives, and the mandatory conditions;

- b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- c) to refuse to specify a person in the licence as the designated premises supervisor;
- d) to reject the application.

**Reason for Recommendation:** The Sub-Committee must consider the oral representations and information given at the hearing before reaching a decision.

## 1. Background

- 1.1 Section 4 of the Licensing Act 2003 sets out the duties of the Licensing Authority, it sets out that a Council's licensing functions must be carried out with a view to promoting the four licensing objectives of:
  - (a) the prevention of crime and disorder;
  - (b) public safety;
  - (c) the prevention of public nuisance; and
  - (d) the protection of children from harm.
- 1.2 All applications and decisions are made with due regard to the [Licensing Act 2003](#) (the Act), the [Revised Guidance issued under Section 182 of the Licensing Act 2003](#) (the Guidance) and the [Dorset Council Statement of Licensing Policy](#) (the Policy).

## 2. Details of the application

- 2.1 An application has been made for a new premises licence for The Hillbrook, 1 Canon Woods Close, Sherborne, and has been submitted to the Licensing Authority by Aspire Hotels Ltd. The application and floor plan can be found at Appendix 1.
- 2.2 The description of the premises within the application form is:

“24 Bedroom hotel with restaurant, bar and spa facilities. This is a new build property, constructed as part of the Platinum Skies development in Sherborne. The building is over ground and three upper floors. With a terrace area to the left and rear elevations of the building. On the ground floor there is a reception are, spa and restaurant. Along with ancillary areas to support these. The objective is to secure a 5\* rating for the hotel, and accolades for the restaurant. Providing a relaxed and high end experience for both hotel and local residents, as well as visitors to the area.”

2.3 The original application was to permit:

Live music (indoors and outdoors)

Sunday to Thursday 1100-2300 hours

Friday and Saturday 1100-0100 hours

Recorded music (indoors and outdoors)

Sunday to Thursday 0800-2300 hours

Friday and Saturday 0800-0100 hours

Late night refreshment (indoors)

Monday to Sunday 2300-0500 hours

Supply of alcohol (on and off the premises)

Monday to Sunday 0000-2359 hours

2.4 The operating schedule contains the steps which the applicant will take to promote the licensing objectives. These would need to be converted into enforceable conditions on a licence if it is granted and would include:

Any incidents of a criminal nature that may occur on the premises will be reported to the Police.

Licensee will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises.

The CCTV system shall conform to the following points:

1. Cameras must be sited to observe the entrance and exit doors both inside and outside.
2. Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
3. Cameras viewing till areas must capture frames not less than 50% of screen.
4. Cameras overlooking floor areas should be wide angled to give an overview of the premises.
5. Be capable of visually confirming the nature of the crime committed.
6. Provide a linked record of the date, time and place of any image.
7. Provide good quality images –colour during opening times.
8. Operate under existing light levels within and outside the premises.
9. Have the recording device located in a secure area or locked cabinet.
10. Have a monitor to review images and recorded picture quality.

11. Be regularly maintained to ensure continuous quality of image capture retention.
12. Have signage displayed in the customer area to advise that CCTV is in operation.
13. Digital images must be kept for 31 days.
14. Police will have access to images at any reasonable time.
15. The equipment must have a suitable export method, e. G. USB/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy, if this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request.

Appropriate fire safety procedures are in place including fire extinguishers (foam, H<sub>2</sub>O, wet chemical and CO<sub>2</sub>), fire blanket, internally illuminated fire exit signs, a comprehensive fire detection system and emergency lighting (see enclosed plan for details of locations).

All appliances are inspected annually. All emergency exits shall be kept free from obstruction at all times.

Regular certificated staff training will take place to ensure all fire and general safety procedures are in force and well briefed to staff.

Personal Evacuation plans will be produced and in use for all persons requiring additional support in the event of an emergency.

Disabled refuges on bedroom floors, with direct link to reception for use in an evacuation emergency.

All customers will be asked to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

At times where larger numbers of guests are leaving the premises members of staff will be deployed to ensure dispersal of guests is done sympathetically to our neighbours.

Staff will regularly patrol the exterior of the premises to ensure it remains litter free.

We will engage with local pub watch and similar schemes.

The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer. All staff will be trained for UNDERAGE SALES PREVENTION regularly. A register of refused sales shall be kept and maintained on the premises.

Staff will receive human trafficking, exploitation and child grooming awareness training.

### **3 Responsible Authorities**

3.1 Section 13 of the Licensing Act contains the list of Responsible Authorities who must be consulted on each application. Dorset Police, Dorset and Wiltshire Fire Service, Public Health Dorset, the Immigration Authority, Dorset Council Trading Standards, Dorset Council Children's Services, Dorset Council Planning, Dorset Council Licensing, Dorset Council Environmental Protection and Dorset Council Health and Safety have all been consulted.

3.2 Environmental Health made a representation in relation to outside live and recorded music after 2300 hours. The applicant has confirmed that they do not intend to have live and recorded music outside after 2300 hours, Environmental Health withdrew their representation The e-mail can be found at Appendix 2.

3.3 Dorset Police proposed the following additional two conditions to be added to the licence if it were to be granted:

- 1 The sale of alcohol from 0000-2359 hours will be restricted to residents of the hotel and their guests.
- 2 Save for booked function, the sale of alcohol to members of the general public will be restricted to 1100-2300 hours.

The applicant has agreed to these two conditions to be added if the licence is granted. The e-mail can be found at Appendix 3.

### **4 Representations from other persons**

4.1 There were initially four relevant representations received from members of the public relating to the licensing objective of the Prevention of Public Nuisance. The interested parties raised concerns in relation to an increase in noise from the premises.

- 4.2 An e-mail sent by Licensing on behalf of the Applicant to the interested parties, stated the Applicant would reduce the provision of music until 2300 hours and it would take place indoors only. This e-mail can be found at Appendix 4.
- 4.3 Following the e-mail to the interested parties from the Applicant, two parties withdrew their representations and two did not respond. The original representations of the remaining two parties can be found at Appendix 5.
- 4.4 Following the amended hours for outside live and recorded music, and the reduction in alcohol sales to the general public, the revised timings would be to permit:

Live music (indoors)  
Monday to Sunday 1100-2300 hours

Recorded music (indoors)  
Monday to Sunday 0800-2300 hours

Late night refreshment (indoors)  
Monday to Sunday 2300-0500 hours

Supply of alcohol (on and off the premises)  
**Restricted to residents of the hotel and their guests and for booked functions.**  
Monday to Sunday 0000-2359 hours

Supply of alcohol (on and off the premises)  
**For the general public (excluding booked functions)**  
Monday to Sunday 1100-2300 hours

- 4.5 The Licensing Act 2003 Section 182 Guidance (the Guidance) sets out at 8.13 the role of “other persons”:

“As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be ‘relevant’, in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous and vexatious representations.

- 4.6 The Guidance states at paragraph 9.4 what a “relevant” representation is;

“A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives.”

## 5. **Considerations**

- 5.1 Paragraphs 9.42 to 9.44 of the Section 182 Guidance sets how the Licensing Authority should decide what actions are appropriate.

*“9.42 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.*

*9.43 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.*

*9.44 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.”*

**6 Financial Implications**

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

**7 Environment, Climate & Ecology Implications**

None.

**8 Well-being and Health Implications**

None.

**9 Other Implications**

None.

**10 Risk Assessment**



10.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

11 **Equalities Impact Assessment**

Not applicable

12 **Appendices**

Appendix 1 – premises licence application and plan

Appendix 2 – representations from Environmental Health

Appendix 3 – additional conditions from Dorset Police to Applicant

Appendix 4 – response from Applicant to interested parties

Appendix 5 - representations from interested parties

13 **Background Papers**

[Licensing Act 2003](#)

[Home Office Guidance issued under Section 182 of the Licensing Act 2003](#)

[Dorset Council Statement of Licensing Policy 2021](#)