

Representations received against the application

1	<p style="text-align: center;"><u>Licence Application 052070 Clapcotts Farm, Spetisbury DT11 9DF</u> <u>Licensing Objective – the prevention of a public nuisance</u></p> <p>With regard to the above: We would like to submit the following representation: We understand that a Premises Licence granted for the supply of alcohol also permits regulated entertainment/ amplified music for audiences of up to 500 people with no further applications necessary (Live Music Act 2012). Granting of the above application, as is, will therefore permit live/recorded amplified music until 11.00pm, 7 days a week, with extended hours at New Year.</p> <p>Mr. Hannam’s original licence application (125618 – November 2018) is for music indoors only.</p> <p>We trust that entertainment / amplified music will, therefore, be restricted to the dining area in line with the recent Planning consent, as indicated in document SDH17-P4-001 in the Planning Application (2/2020/0057/DOC).</p> <p>Planning and Licence permissions have previously restricted activities to 9.00am – 6.00pm. The permitted use of TENs has, however, allowed events with both supply of alcohol and live/recorded amplified music late into the night. There does not seem to be any restriction on where TENs events take place. There are numerous comments/complaints on file with the Council, going back many months, including official ‘Diary Sheets’ submitted to Environmental Health. One of the main reasons for complaints is noise (amplified music) and general disturbance during such events. Amplified music has been played, not in the dining area, but outside in the ‘undercover seating area’, with external speakers (photographs on file). Doors have been left open to allow free movement of customers, thus allowing further noise egress from the dining area. Mr Hannam seems to regard the ‘undercover seating area’ as an extension of his ‘entertainment space/function area’.</p> <p>Judging by the past year’s experience, any TEN can over-ride and, therefore, potentially be in breach of any existing permissions/licences, with apparently no mandatory enforcement action required from the Council. Amplified music has been audible 400m away (behind the Woodpecker Pub), and, we have been reliably informed, as far as 800m away (South Farm Road). This has been allowed to continue with no intervention from Dorset Council.</p> <p>Even with Planning Permission and a Premises Licence in place, we understand that Mr Hannam will still be able to use the process of TENs (there are currently six showing on the Premises Register for 2020). As the closest properties are within 100m of Clapcotts Farm, this is, understandably, of great concern to neighbours.</p> <p>The Premises Licence application form, Appendix 2 (Operating Schedule)- ‘Prevention of Public Nuisance’ states: <i>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.</i></p> <p><i>Noise from a licensable activity at the premises will be inaudible at the nearest noise sensitive premises.</i></p> <p><i>There will be no external loudspeakers.</i></p> <p>Bearing in mind the history of complaints, including both photographic evidence and also the required EH Diary Sheets, we would like to request that these conditions not only apply to the Premises Licence but also be imposed on all TENs (including those already listed for 2020). This action should prevent future noise issues during events held with a TEN and will, hopefully, safeguard neighbouring amenities. We believe this to be permissible under licensing law -</p>
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	<p><i>If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met . . .</i></p> <p><i>(Dorset Council Guidance Notes for TENs)</i></p> <p>If there are still complaints in the future that music from any event is audible at the nearest noise sensitive property or beyond, can the Licensing Department assure neighbours that action will be taken to prevent re-occurrence?</p> <p>Mr and Mrs Hannam may be trying to grow a business, but this should <i>not</i> be at the expense of their neighbours. Villagers previously enjoyed the peace and quiet of a rural village before Mr Hannam started hosting both private and public functions.</p> <p>Mr Hannam’s statement in the Venue Management Plan (Planning Application) suggests that he fully intends to expand the entertainment/music aspect of the business, whether or not this is deemed appropriate on ‘edge of village’ County Farm premises with very close neighbours:</p> <p><i>‘We are also receiving an increasing number of enquiries for use of the venue for weddings, parties and other group bookings.’ (VMP)</i></p> <p>Neither Dorset Council nor Mr Hannam should expect neighbours to forfeit their quality of life in favour of such commercial activity. If appropriate measures are taken by Dorset Council, and strictly enforced, then neighbours will be able to enjoy their properties again, both house and garden, with no noise intrusion from Clapcotts Farm, and Mr Hannam will be able to continue his business, but quietly please!</p> <p><i>Excerpt from ‘A Guide to The Human Rights Act for Public Authorities’ -Human Rights Act –Protocol 1 Article 1: a person has the right to the peaceful enjoyment of their property. (The given definition of ‘possession and property’ includes land and houses)</i></p> <p>We ask Dorset Council to give due consideration to these comments and to ensure that neighbours and neighbouring amenities are protected at all times.</p>
2	<p>I had a another look at uploading attached letter and photos early this morning, but when the application number is entered it says that user cannot submit comments.</p> <p>As I said in yesterdays email, I have sent all this documentation in hard copy via Royal Mail special delivery which would have arrived yesterday.</p> <p>Would you be able to pass whatever I have emailed today to whoever may be dealing with this application.</p> <p>Just a quick note: I do appreciate advice and help I have received from you in the past and I am aware that</p>

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when lodging an objection it is easy to wander off from what may be the specifics of where licensing's concerns lay. I do believe however the letter I have submitted while mentioning a mix of details, they all have a resonance regarding this license application.

One of the photo's submitted gives the impression of a lot of cars scattered around a yard, but buried under here is my driveway and exit from my house. I do think it is also worth mentioning that I have a dependent who may require an ambulance at very short notice and this ongoing scenario has been a constant source of stress for me.

Would you also be able to email me, just to acknowledge that you have received this email from me.

**Serious ongoing concerns – Clapcotts Farm – Spetisbury DT11 9DF –
Licence Application [052070](#)**

**Owners of site – Dorset County Council
Managed by – Dorset County Farm Estates
Tenant – Mr Shaun Hannam**

Points of concern regarding Clapcotts Farm, Spetisbury:

- 1. Since being granted a restricted alcohol licence in January 2019, and having prior to this been warned for selling alcohol without possessing a licence, the applicant has continued to breach the licensing hours (*and planning restrictions*) imposed at the site by regularly staying open past 6pm and into the evening.**
- 2. I am of the understanding that since being granted a licence in January 2019 the applicant has twice been visited by Dorset Police and been cautioned for selling alcohol beyond the permitted licensing hours.**
- 3. Recent routine monitoring by a Dorset Planning Enforcement officer concluded the applicant was operating beyond his licensing hours.**

'During a recent evening visit I did observe use of the premises in the early evening after 18:00' (Planning Enforcement)

- 4. The applicant has advertised bar opening hours that contravene the licensing times granted (*refer to photos*)**
- 5. I am of the understanding that on 16/02/20 the applicant was visited by Dorset Police who instructed him to shut down an event that was taking place at the site due to safety concerns (*please refer to photos of cars parked along both sides of the A350*). Note: the event was then held a week later breaching current planning restrictions.**

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6. SAFETY CONCERNS: Since dismantling the farming infrastructure at the site in 2016 until a recent Environmental Health visit in 2020 it seems the applicant has been operating a commercial business - café, bar and event site - without building regulations or consultation with the fire authority.

a) Environmental Health Officer – Consultee Comment Date: Thu 13 Feb 2020

‘Having the visited the site I have seen that the dining area is an enclosed timber room with a wood burning stove in the middle and means of escape from fire at one end only. I have asked Building Control for their advice on this and they have said that the structure will need a Building Regulation application and consultation with the Fire Authority.’

b) Head of Building Control – Consultee Comment Date: Thu 13 Feb 2020

‘From our records we have no applications on file for any Shop/Bar areas at this address. We do however hold a copy of a CPS registration for a Woodburner - CP/18/02448/HETAS from 2018. The Bar/Shop are commercial areas and as such are controllable works for the purposes of the Building Act 1984 and the Building Regulations 2010, they do need a full plans application regarding Building Regulations, additionally the plans will need to have a consultations with the Fire Authority to confirm compliance with the RR(FS)O 2005. Our records generally only go back 15 years so it is possible the works pre-date this, if so, I am sure the owners can provide evidence/records to confirm this’.

Have the above requirements been fulfilled and do they also cover the *undercover seating area*?

Note: it has taken roughly 18 months to produce an acceptable Noise Management Plan for *the dining area* since it was first requested by Planning, yet at the January 2019 licensing meeting the applicant assured the panel this document was imminent. During this time neighbours have had to put up with numerous loud live and amplified music events, particularly during the summer months.

7. Live/Amplified Music: Discharge of Condition No. 7 - Noise and Use after 1800 from Planning Permission 2/2018/1502/VARIA. *‘The use of the premises shall now accord with the agreed details: - Amplified music only to be played in Dining Area as shown on approved plan SDH/17/P4/001. Premises must be operated as per the agreed details contained in the Noise Management Plan and Venue Management Plan (i.e. windows and doors closed during music events, Sound Limiter in operation, public communication phone number monitored)’*
Mike Garrity Nominated Officer

The above ‘agreed details’ written into Planning’s recent Discharge of Condition no. 7 are critical because amplified/music events at this site have historically NOT been held in *the dining area* but in the open-ended slatted timber building usually referred to as *the undercover seating area* (refer to *photos*). Resulting noise levels have been excessive and immensely disturbing for neighbours.

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The applicant has repeatedly used TENs to hold live/amplified music events in the open-ended *undercover seating area* (please refer to photos). These events have generated numerous complaints from neighbours to Environmental Health.

In order to protect neighbouring amenity, I would like to request that – should an extended Premises Licence be granted - the above-quoted Planning restriction - '*Amplified music only to be played in Dining Area as shown on approved plan SDH/17/P4/001*'- could be clearly stated as part of both the Premises Licence and any/all TENs applied for by the applicant.

- 8. I have some concerns that *Dorset County Farm Estates* who manage the tenancy at *Clapcotts Farm* on behalf of *Dorset County Council* are neglecting their duty to act as responsible landlords at this site.**
- 9. There also seems to be a conflict regarding the applicant's intentions to grow a business at this site (Venue Management Plan - ' 2.3 *We are also receiving an increasing number of enquiries for use of the venue for weddings, parties and other group bookings*'.) and the fact that there is a relatively short amount of tenancy left at the site (3 years). There is no statement from *Dorset County Farm Estates* supporting this application or any indication that they will be extending the tenancy in the future for the business to grow. I mention this as I am concerned that the next 3 years will result (*as with the previous 4*) in a continuing trajectory of minimum input of investment for maximum short-term financial gain... usually at the expense of/resulting in loss of amenity for the neighbouring properties.**

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Application to vary premises licence Clapcotts Farm, Spetisbury, DT11 9DF

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