



Licensing Sub-Committee

Licensing Act 2003 – Application for a variation of a premises licence for Clapcotts Farm, Spetisbury, Blandford

Date of Meeting: 24 June 2020

Portfolio Holder: Cllr T Alford, Customer, Community and Regulatory Services

Local Member(s): Cllr Andrew Kerby

Director: John Sellgren, Executive Director of Place

Executive Summary:

An application to vary a premises licence has been made by Shaun and Marcia Hannam, to extend the terminal hour for the on and off sales of alcohol to 2300hrs daily, and to add indoor live and recorded music on an occasional basis between 0900hrs and 2300hrs. Representations have been received and remain unresolved therefore a hearing by the licensing Sub-Committee must be held to determine the application.

Equalities Impact Assessment:

Not Applicable

Budget:

The applicant or any person or body making a relevant representation will have the right to appeal any decision of the Licensing Sub Committee to the magistrate's court.

Risk Assessment:

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

Current Risk: Low

Residual Risk: Low

Climate implications:

Not Applicable

Other Implications:

Human Rights Act 1998. Article 6 of the Convention requires that everyone be given a fair and public hearing within a reasonable time. The applicant has received a copy of this report and has been invited to attend the Committee meeting or submit written representations to be placed before the Members when considering this matter.

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 for the promotion of the licensing objectives.

Reason for Recommendation:

The Sub-Committee must take into account the oral representations and information given at the hearing.

Appendices:

Appendix 1 – Application form
Appendix 2 – Current licence
Appendix 3 – Location plan
Appendix 4 – Section 177A
Appendix 5 - Representations against the application
Appendix 6 – Representations in support of the application
Appendix 7 – Response of applicant to representations
Appendix 8 – Noise Management Plan
Appendix 9 – Noise Limiter Details

Background Papers:

[Licensing Act](#)
[Section 182 Guidance](#)
[LGA Councillors Handbook](#)
[EHRC - Guide to the Human Rights Act for Public Authorities](#)

Officer Contact:

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1. An application has been received to vary the current licence at Clapcotts Farm, Spetisbury, Blandford Forum, DT11 9DF 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.

If the variation is granted, the licensable hours will be from 0900hrs to 2300hrs every day. A copy of the application is attached at appendix 1 and the current licence is attached at appendix 2.

2. The premises is on the edge of the village of Spetisbury, a location map is attached at appendix 3.
3. The application for the variation was received on 13 February 2020. The statutory consultation period of 28 days ended 12 March 2020. The period in which the hearing could be held was extended due to the coronavirus outbreak which prevented a public hearing being held within the prescribed timeframe.
4. The Live Music Act 2014 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. This section also renders any conditions relating to live or recorded music to not have any effect unless the licence was being reviewed. The relevant section is attached at appendix 4
5. No representations have been made by any of the Responsible Authorities.
6. Two representation objecting to the variation have been received from two neighbours, these are attached in the table at appendix 5.
7. There were 18 representations received in support of the variation and are attached in the table at appendix 6.
8. The applicant has produced a response to the representations, which is attached at appendix 7.
9. For representations to be relevant they must relate to one of the four licensing objectives. There is reference within the representations of being disturbed by noise when events involving live or recorded music have taken place in the past and this is relevant to the licensing objective of preventing public nuisance.

10. The sub-committee may:-

- modify the conditions of the current licence as applied for, or
- reject the whole or part of the application.

The conditions can be modified by alteration, omission or by adding new conditions if the sub-committee believe it is appropriate for the prevention of public nuisance.

11. Should the sub-committee decide to add or modify the conditions of the licence officers recommend removing 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.

12. Officers also recommend adding the following conditions 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)