

Licensing Sub-Committee

16 April 2020

New Premises Licence Application for Twisted Cider

For Decision

Portfolio Holder: Cllr J Haynes, Customer and Community Services

Local Councillor(s): Cllr M Penfold

Executive Director: J Sellgren, Executive Director of Place

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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 consider the oral representations and information given at the hearing before reaching a decision.

1. Executive Summary

An application has been made for a new premises licence for Twisted Cider Barn in Longburton. The application has been out to public consultation and has attracted relevant representations. A Licensing Sub-Committee must consider the application and representations at a public hearing.

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 – Application

Appendix 2 – Previous Licence

Appendix 3 – Representations Objecting to the Application

Appendix 4 – Representations Supporting the Application

Appendix 5 – Further Correspondence

Appendix 6 – Conditions consistent with the Operating Schedule

8. Background Papers

[Licensing Act](#)

[Live Music Act](#)

[Section 182 Guidance](#)

[LGA Councillors Handbook](#)

[EHRC - Guide to the Human Rights Act for Public Authorities](#)

9. Details

- 9.1. Benjamin Weller has applied for a new premises licence for the Twisted Cider Barn at Spring Farm, Bradford Lane, Longburton. The applicants are applying for a new licence after a fire destroyed their previous premises

which was licensed. The full application is attached at appendix 1, and the previous licence is attached at appendix 2.

- 9.2. The description of the premises states that the area being applied for is “limited to a section of the barn called the Twisted Cider Barn. The area is a single room purposely constructed from concrete block walls set inside a larger agricultural building (not accessible to the public)”.

- 9.3. Mr Weller originally applied for;

Live Music (indoors and outdoors) on three occasions

Wassailing (2nd Saturday in January)	1600-2000
Twisted Cider Open Day (1st Saturday in July)	1200-2200
Christmas Market (1st Saturday in December)	1600-2200

Supply of Alcohol (on and Off the premises) and Recorded music (indoors and outdoors)

Monday to Thursday	09:00 to 20:00
Friday and Saturday	09:00 to 23:00
Sunday	10:00 to 20:00

With a condition stating that no alcohol will be served for consumption on the premises before 11:00 on every day of the week.

- 9.4. Following representations Mr Weller amended the application to

Supply of Alcohol (on and Off the premises)

Monday to Thursday	09:00 to 18:00
Friday and Saturday	09:00 to 21:00
Sunday	10:00 to 16:00

Live and Recorded Music have been removed. They would however be permitted under the Live Music Act 2012.

- 9.5. The application has been advertised on the premises, in a newspaper and the Councils web site.
- 9.6. No representations were received from the responsible authorities and Dorset Police have indicated they are satisfied with the application and the conditions contained within the operating schedule and listed at appendix 6.
- 9.7. Three representations have been received objecting to the application, although one of these has multiple signatures. Since the revised application was submitted one signatory has withdrawn from the petition. The representations are included at appendix 3.
- 9.8. Eight Letters of support have been received. The representations are included at appendix 4.

- 9.9. Following receipt of the representations the applicant put together a revised application and a statement of how he intended to operate. The Licensing Authority also corresponded with residents to outline the changes. This correspondence and any responses are attached at appendix 5.

10. Considerations

- 10.1. Paragraphs 9.42 to 9.44 of the Section 182 Guidance sets how the 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.

10.2. The Live Music Act 2012 allows any premises with a licence that allows the consumption of alcohol on the premises to have live amplified music between 08:00 and 23:00 without a licence. This only applies when the audience is under 500 people. The Legislative Reform (Entertainment Licensing) Order 2014 has amended the Licensing Act so that there is a similar provision for recorded music, and also states that any conditions relating to any of this entertainment would not have any effect between 8am and 11pm. There is a safeguard within the Licensing Act that at a Review hearing the provisions of the Live Music Act could be disapplied.

11. Recommendation

11.1. 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.

11.2. 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.

11.3 If the licence is to be granted the steps outlined in the Operating Schedule must be translated into conditions that would be attached to the licence. A list of conditions that would meet this criterion and are appropriate is attached at appendix 6. Any conditions that relate to regulated entertainment have been ignored as this is no longer being applied for.

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.