

Sherborne House

Newland

Sherborne

DT9 3JG

Application for premises licence

Applicants Submissions

1. These submissions are provided by the applicant to assist the Licensing Sub Committee in their determination of an application for a new premises licence at Sherborne House.

2. The following documents have been provided in support of the application
 - The Sherborne – Presentation
 - The Sherborne – Mission Statement
 - Planning Permission reference WD/D/20/002080 dated 28 May 2021
 - Draft Noise Management Plan
 - Draft Dispersal Plan

3. These submissions are structured as follows
 - The Applicant
 - The Premises
 - The Proposal
 - Planning
 - Pre-Application Consultation
 - Submission of the application
 - The Responsible Authorities
 - Interested Persons
 - Summary

The Applicant

4. The applicant is Sherborne House Trust Limited, the commercial arm of Sherborne House Trust 2018, a charity registered in 2018, number 1179440.
5. The objectives of the charity are:
 - Promoting and advancing the education of the public in, the arts, in particular, but not exclusively, by:
 - Promoting and providing facilities for participation in the arts, and
 - Fostering and promoting the improvement and development of artistic knowledge, understanding and appreciation of the arts; and
 - Restoring, preserving and maintaining, for the public benefit, Sherborne House, Sherborne, Dorset, including the Thornhill Mural, situated within Sherborne House.

The Premises

6. Sherborne House is one of Sherborne's most notable historic buildings. is a Grade I Listed Building with separately listed Grade II coach house, and separately listed Grade II Garden walls. The property is on the Historic England Buildings at Risk Register
7. Sherborne House has been largely vacant since the closure of the Lord Digby's School for Girls in 1992. Despite numerous proposals put forward by both developers and local charities, the building remains on the Heritage at Risk register, without a use for 28 years.
8. Previous efforts have been made to secure the future of the building as an arts/heritage centre with studio workshops, 3 flats and an outdoor exhibition centre and permission for this use was granted in 1998. This included a considerable extension to the north. However, after over 10 years of effort, including 2 unsuccessful applications to the Heritage Lottery Fund, this had to be abandoned for lack of funding.
9. Since Autumn 2018, the property is owned by the Sherborne House Trust 2018, At the time the Trust acquired the premises for circa £1.8million, it was derelict, unfit and unsafe for use and on the Heritage at risk register. The substantial investment into making it fit for purpose will be circa 10 times that amount and has all been done with the full blessing of the planning and various heritage bodies.

The Proposal

- 10.** We have included with these submissions a presentation in relation to the Sherborne and a Mission Statement.
- 11.** The intention is to create a visual arts centre, called The Sherborne, of regional significance, showcasing the best of artists and makers from the South West, holding a number of major (principally selling) art exhibitions throughout the year, attracting regular returning visitors from around the region and beyond. Alongside this there will be an interactive and engaging arts and cultural programme that is inclusive and accessible to everyone. Broadening people's understanding and appreciation of the arts will be at its heart, as will a professional development programme for regional artists and makers, including those at the beginning of their professional careers
- 12.** These exhibitions will be mostly free at the point of entry and indeed it needs to be an inclusive space for the residents of the town and other visitors.
- 13.** Dorset Visual Arts (**DVA**) have been appointed as The Sherborne's principal arts partner to devise and manage the arts programme. Initially exhibiting artists and makers will draw from the DVA membership but as soon as possible it should be extended to include national touring exhibitions and works from non-DVA members and artists and makers from the wider region
- 14.** The arts programme will engage with all the schools in the town, state and private, together with other educational establishments across the region
- 15.** The founder, Michael Cannon, was very keen on sculpture and has given several large pieces to be exhibited at The Sherborne, with the intention that a sculpture trail will be developed in due course in the garden at the rear of the main house.
- 16.** As an arts centre, the Premises will also embrace the performing arts in such mediums as live streaming ballet, Opera, theatre as well as live performances of the same mediums.
- 17.** A governing principle for the Trust is that it will be financially sustainable and self-sufficient, without relying on public sector grants or being dependent on regular fund raising.
- 18.** The various commercial activities (80 seat bistro/restaurant, cocktail bar, functions - in particular weddings - and other events, the second-floor offices, general room hire, the shop and art sales) will act as the "engine" to generate sufficient surplus to support and subsidise the arts programme, as well as pay for the general running costs of The Sherborne. The Cannon

Foundation has agreed to support the arts programme for the initial 2 years, to allow the commercial activities, particularly the wedding and other functions business, to become established.

19. Whilst not part of the current application, in due course, application will be submitted for a Marriage Licence to enable the premises to host civil ceremonies.
20. The management team at The Sherborne will be led by Jeremy Lee who has in excess of 30 years experience in the hospitality sector. He has held premises licences and is the holder of a Personal Licence. Jeremy will lead a team of 30 full and part time employees.
21. The premises aim to open in April 2024.

Planning

22. A planning application for the “Re-use of Sherborne House as exhibition, events, function, restaurant and office space, with associated repair and extension” was submitted to the planning department of Dorset Council on the 16 September 2020.
23. Planning permission was granted on the 28 May 2021.
24. A copy of the planning permission is attached to these submissions.

Wider Council Strategic Policies

25. The Dorset Council Licensing Policy, at para. 3.1, seeks to integrate the licensing policy with, amongst others, the following:

Dorset Council Plan

26. The proposal is consistent with the Council Plan in that it is “*a catalyst for prosperity, growth, working with and supporting local businesses and partners*” (Dorset Council Plan – Driving Economic Prosperity).
27. Critically the proposal is in line with the Council Plan which states that

“Government funding to local councils has reduced every year for over a decade now and the reality is that (the Council) cannot continue to provide everything residents, businesses and

visitors want and need, so it is more important than ever that that (the Council) find the best way of working together. We will do more to support and enable voluntary and charitable organisations who are providing valuable help and support and making a positive difference to our communities” (Dorset Council Plan – Creating stronger, healthier communities)

Dorset Council Economic Growth Strategy

28. Three of the priorities if the Economic Growth Strategy are to:

- *Enhance Dorset as a place to do business and attract inward investment*
- *Support creation and growth of new sustainable business. This will support high quality job creation*
- *Enhance aspirations and skills to improve social mobility*

29. The proposal also supports one of the key sector projects – tourism and leisure – with *“investment to improve the Dorset “offer” improving visitor experience, productivity and quality of employment opportunity*

Pre-Application Consultation

30. The development of the premises has been the subject of significant scrutiny and engagement not only from the relevant stakeholders within the Council as part of the planning process but with the local community.

31. In advance of submitting the application for the premises licence the applicant engaged in pre application consultation with the licensing authority on the 26 April 2023 and a site meeting was held on the 18 May 2023.

32. The pre application consultation was supported by a draft operating schedule, with proposed operating hours until 0200.

33. As a consequence of this and following further consultation with the local community the application was refined further. The Operating Schedule was further enhanced and revised with additional conditions being added and a reduction of hours (in line with those now being presented to the Committee)

The Application

34. The application was submitted to the Licensing Authority on the 31 July 2023 and advertised in the Western Gazette on the 3 August 2023, with 2 sets of notices being displayed at each entrance to the site on Newlands.
35. The application is supported by a comprehensive schedule of conditions centred round a living Operational Management Plan (**OMP**) which will be the subject of on going revision and scrutiny by the licensing and responsible authorities.
36. The OMP will include sections on, but be limited to the following:
- Fire Risk Assessment,
 - Security Management Plan
 - Capacity control
 - Special effects
 - Alcohol Management Plan
 - Medical Management Plan
 - Noise Management Plan
 - Access, egress and dispersal Plan
 - Child Welfare Policy
37. There are also specific conditions that address the following
- CCTV
 - The provision of door supervisors on a risk assessed basis
 - The reporting of incidents
 - Management of external areas
 - Dispersal
 - Staff training
38. The day-to-day provision of licensable activities (internally and externally) will cease at 2300.
39. The provision of any external licensable activities will cease at 2300, at the latest.
40. The application includes a request to extend licensable activities through until 0100 for pre-arranged functions and events (weddings, celebrations, awards ceremonies for example) to provide the Premises with the flexibility that they require to enable them to deliver on the stated aim to become financially sustainable and self-sufficient, without relying on public sector grants or being dependent on regular fund raising.

The Responsible Authorities

41. During the course of the statutory consultation process the EHO made contact with the applicants' solicitors and raised three issues, with the applicant's response in red:

- *Light Pollution – Light from outdoor live events which may create a public nuisance of not controlled during and after live events are held outdoors (Use shielded and directed lighting fixtures to minimize light pollution in the surrounding area.)*

The issue for light pollution is dealt with at condition 6 of the Planning Permission which states as follows

No external lighting shall be installed until details of the lighting scheme have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the lighting scheme shall be installed, operated and maintained in accordance with the agreed details, and no other external lighting shall be installed

Reason: To protect visual amenities and avoid nuisance to adjoining properties.

This condition has been discharged.

- *Noise Control– Both external and internal sound levels, how they may be measured and who will be responsible for adjusting them so as not to cause public nuisance?*

The following words are to be added to the OMP condition on the operating schedule:

“Noise Management Plan” - “this will include monitoring of noise levels at the nearest residential premises and noise levels adjusted accordingly”

- *Waste disposal (Bottles) – will this be carried out after 8am and before 9pm?*

The site is designed with a service yard.

Any waste (including bottles) can be tidied away for deliveries & collections which will take place in normal business hours, Monday to Friday

42. As a consequence of this engagement, the EHO has not made a representation to the Application.

43. None of the other responsible authorities have made any comments on the application. It is fair to say that none of these bodies has sought to either restrict the proposed hours of operation nor have they requested that additional conditions being added to the operating schedule (save the minor amend requested by the EHO as state above

44. The s.182 Revised Guidance to Licensing Authorities states at para. 9.12 the following

Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing

45. The Applicant says that it is of significance that none of the responsible authorities has made a representation to the application, or even sought to make any change to the proposed hours of operation or seek substantive changes to the operating schedule.

Interested Persons

46. The application has attracted representations from three local residents.

47. On receipt of their representations the Applicant, through the licensing office at the Council has sought to engage in a mediation process, setting out the full nature of the application.

48. Whilst the development of the Sherborne has not only been visible within Sherborne itself, and the subject of local and community engagement and consultation, the Applicant apologises to these residents who have made representations to the application that they have not been part of this consultation.

49. The concerns of those who have made representations to the application are primarily associated with the licensing objective of the prevention of public nuisance.

50. Attached to these submissions are draft policies which will form part of the OMP that deal with

- Noise Management
- Dispersal

51. It should be noted that these policies are in draft format at the moment and will be developed as the Premises moves towards opening with the assistance of the Applicants consultants. The concerns raised by the local residents will help and assist with the development of these policies.

52. The OMP is of course subject to on-going scrutiny by the council and responsible authorities and where changes are required to be to ensure that the licensing objectives are promoted then these policies will be amended and adapted as necessary.

53. Whilst the Applicant is sensitive to the concerns raised by the local residents it is key to the on-going success of the Sherborne that the local community is fully engaged in the project. If requested a contact number of the Premises will be provided by the Applicant to those local residents who request it so that their concerns can be immediately addressed to the on-site management. Notwithstanding this, is it worthy of comment that the responsible (and enforcing) authorities have not made any representations to this application

54. The Applicant has offered to add the names of the representors to any future communication on the on-going development of the Sherborne and will welcome the local community to the Premises in advance of opening

Conclusions

55. There is only one question of significance here - is this application, by this Applicant, at these premises, likely to undermine the licensing objectives?

56. Licensing is all about proportionality and in developing the application as presented to the Committee the Applicant has adopted a proportionate and reasonable approach. This approach will continue up to, and beyond, the opening of the Premises

57. The National Guidance issued under s.182 of the Licensing Act 2003 states as follows

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

58. The National Guidance goes on to state:

"14.36 ... If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved."

59. The Licensing Sub-Committee can only really make such a finding based on admissible material submitted to it. What the authority cannot be asked to do is speculate, as the High Court make clear in R (Daniel Thwaites) v Wirral Borough Magistrates Court [2008] EWHC 838 (Admin). It can, however, draw fair inferences from the material it does have.

60. It is submitted that, on the evidence presented, the Committee should grant the application because:

- (i) The Application seeks to bring back in to use a significant and important at-risk historic building in Sherborne
- (ii) Previous attempts to bring the premises back in to use failed due to lack of public funding
- (iii) To enable the premises to become self-sufficient an element of commercial enterprise is required
- (iv) The Application is consistent with the Councils own Licensing Policy
- (v) The Application is consistent with the wider Dorset Council strategic plans, specifically referenced in the Councils Licensing Policy
- (vi) The site will be managed by an experienced personal licence holder supported by suitably trained members of staff
- (vii) In advance of submitting the application, the Applicant carried out pre-application consultation at which stage no concerns were identified
- (viii) Notwithstanding this, following the pre application consultation the hours of operation were reduced, and the operating schedule enhanced.

- (ix) The application is supported by a comprehensive schedule of conditions
- (x) Following the submission of the application, save for one small addition requested by the EHO, no party has sought to alter, amend or add to the schedule of conditions proposed with the application
- (xi) There are no representations to the application from any of the responsible authorities
- (xii) There is a secondary lock step to the application given that the OMP will be the subject of on-going scrutiny by the Licensing Authority and Responsible Authorities
- (xiii) Whilst the Applicant is sensitive to the concerns of the residential objectors, these concerns are unsupported by any evidence.
- (xiv) In the event that the Applicant does not deliver on their promise to the Trust, the Licensing Authority and the wider Community there is the opportunity for the licence to be brought back before the Licensing Committee by way of a review

61. We invite the committee to conclude that a fair proportionate and balanced means of protecting those concerns and promoting the licensing objectives has been proposed and agreed between the officers and the applicant through a robust schedule of conditions and the various management plans

Ewen Macgregor

Partner

TLT

13 September 2023