

LICENSING AND APPEALS SUB-COMMITTEE

13<sup>th</sup> November 2017 at 10.00am

**PRESENT:-**

**Members of the Licensing and Appeals Sub-Committee**

Councillor Wheeler (Chairman), Councillor Mrs Plenderleith (Conservative Group) and Councillor Dunn (Labour Group)

**District Council Representatives**

A Kaur (Legal and Democratic Services Manager), M Lomas (Licensing Officer), F Tucker (Trainee Licensing Officer) and R Pabla (Democratic Services Officer)

**In attendance**

Councillor Muller (Conservative Group)

LAS/26 **APPOINTMENT OF CHAIRMAN**

Councillor Wheeler was appointed Chairman of the Sub-Committee.

LAS/27 **APOLOGIES**

The Sub-Committee was informed that no apologies had been received

LAS/28 **DECLARATION OF INTEREST**

The Sub-Committee was informed that no declarations of interest had been received

**MATTERS DELEGATED TO SUB-COMMITTEE**

LAS/29 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 – GRANGEFIELDS FARM**

The Sub-Committee considered an application for the variation of a Premises Licence for Grangefields Farm, Dalbury Lees, Ashbourne, Derbyshire, DE6 5BH.

The Responsible Authority's Representative from Environmental Health advised the Sub-Committee that agreement had been reached with the Applicant with regards to the condition relating to noise emitted from the premises. The Sub-Committee, the Applicant's Representative, the Licensing Representative had opportunity to ask questions of the Responsible Authority's Representative.

The following individuals attended the Meeting and addressed the Sub-Committee.

Phil Coultas, the Chairman of Dalbury Lees Parish Council, referred to the representation previously submitted and whilst noting the number of properties within the hamlet and their distance from the premises, expressed his opinion that the tree planting would have little effect. Mr Coultas referred to the Licensing Objectives relating to prevention of public nuisance and the protection of children from harm and expressed his concern regarding the disruption of sleep affecting both workers and children in the locality. He requested to the Sub-Committee the site clearance times be reduced and made reference to the Police and Crime Commissioner's request to reduce the risk of alcohol related disturbances. In relation to previous comments on noise, Mr Coultas expressed that in his opinion, people leaving the premises could be boisterous and this could cause disturbance as they travelled down Long Lane.

Mrs Taylor referred to the representation previously submitted and advised that she was attending the meeting to also represent the views of her neighbours. Mrs Taylor made reference to the Environmental Health condition and stated there was no scheme of controlling noise outside where large groups of people could congregate. Mrs Taylor further informed the Sub-Committee that when the premises application was submitted to Planning Committee, it was mentioned that the premises would not be financially viable unless they were able to operate until 1am. Mrs Taylor made reference to other premises within the area which she advised were similar rural country venues, had less operational hours and commented how they would be keen to be viable too. Mrs Taylor questioned whether this application would give the applicant opportunity to increase their operational hours. Mrs Taylor raised concerns relating to the safe dispersal of people from the premises, the un-lit country lanes surrounding the venue, the number of hours for alcohol consumption including the opportunity to take it off the premises and the subsequent effect on the local communities, amenities and responsible authorities. Mrs Taylor informed the Sub-Committee that a positive relationship had been achieved with another licensed premises within the area, but felt there was a lack of trust in the Applicant due to the badgers and bats survey they had conducted. Mrs Taylor stated that under the Licensing Objectives there ought to be fairness between the Applicant's needs and residents.

Andrew Tompkins referred to the representation previously submitted and advised he had lived in the village for 2 years and had 3 young children. Mr Tompkins informed the Sub-Committee of his professional qualifications which provided him with an increased knowledge of noise. He raised concerns on how noise could travel, and the impact of prevailing winds. Mr Tompkins believed the noise tests were not carried out on days that you would hear church bells and those were days sound would not travel so well. He stated the Environmental Health Manager had produced a good report; however was concerned with the representations and would have liked an opportunity to have suggested lower sound limits inside the premises. Mr Tompkins advised he was concerned to see the Environmental Health Manager's report

constrained to attaching a limit to music only. Mr Tompkins asked the Sub-Committee to consider 3 matters; the limiter to be reduced to under 90 decibels; external limits to be similarly lowered; and noise limits to apply to all licensable activities. Mr Tompkins concluded by stating that 1am was too late and hours be reduced to 11pm which was more reasonable.

Andrew Cochrane of Flint Bishop LLP and Johnnie Dickinson (Designated Premises Supervisor) attended the Meeting, in support of the application, also addressing the Sub-Committee.

Mr Cochrane LLP advised the Sub-Committee it was in nobody's interests for the premises to cause a nuisance. Mr Cochrane advised that as this was a wedding venue, where research and care would be undertaken by potential customers when booking such premises, negative reviews on social media would be detrimental. Mr Cochrane advised any issue at the premises would be immediately addressed and that this was a legislative process where Environmental Health could exercise their powers by serving a section 80 notice or a review of the licence could be sought. He advised he understood there was an issue with trust; however it should be understood and accepted that the premises will operate within the law.

Mr Cochrane advised the first Cripps Barn opened in Gloucester in 1990 and another 4 premises opened around the country in the last 4 years. He advised there was a further application in North Yorkshire and the nearest premises was 60 metres away and the nearest community was not further than 260 metres away. Mr Cochrane advised the premises operated without complaint. He stated the capacity of these premises was 200 people and they tended to operate in old barn type premises and not marquee venues. Mr Cochrane advised they had made application until 1am as this was standard across all premises and there was a need to be commercially viable. He advised the entertainment was all indoors and the premises involved a £1.4 million cost to the Applicant, which would not be sensible if the premises were not managed in a lawful manner. Mr Cochrane advised the Environmental Health aspects had been pored over at great length at the Planning Committee and again during the licensing process. He advised the premises would be cleared by 1am, this was understood and accepted, and there would be robust measures in place to manage this. Mr Cochrane advised his client had suggested they would be prepared to cease the sale of alcohol at 12.40am to allow a wind down of 20 minutes. He went on to say the premises were disused farm buildings and some form of development would have been inevitable. Mr Cochrane stressed that this was a heavily regulated environment and where other situations can be hard to control this was within a legislative framework.

Mr Cochrane advised it was his primary submission that it would be wrong for the premises to cause nuisance, be commercially stupid, and it was a strong regulatory environment so the Sub-Committee could safely grant the licence. He clarified 2 amendments to the application by way of the agreed condition with Environmental Health and for the sale of alcohol to cease at 12.40am.

Members raised queries relating to use of the courtyard area, management of clearing the premises, last orders policy, and noise control. Mr Cochrane and Mr Dickinson responded to the above queries.

Mr Cochrane advised the Sub-Committee they were mindful of all that had been said. He confirmed that with regard to the consumption of alcohol, the Applicant was happy to withdraw the 'off sales' part of the application. He advised the premises would operate in a lawful way and stated licensing was an evidence based regime and there was none to suggest the Applicant would operate in any other way as it would not be commercially beneficial.

**RESOLVED:-**

***That the application for a Premises Licence be granted, subject to an amendment and conditions, as detailed in the Decision Notice, a copy of which is incorporated in the signed minute book at "SMB1".***

The Meeting terminated at 11.40am.

COUNCILLOR WHEELER

CHAIRMAN